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HANSARD'S

PARLIAMENTARY DEBATES.

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

23° VICTORIÆ, 1860.

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THE TWENTY-FOURTH DAY OF APRIL, 1860,

TO

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Third Volume of the Session.

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Friday, May 25.

Lymington.—Lord George Charles Gordon Lennox, *v.* Sir John Rivett Carnac, Bart., Manor of Hempholme.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Eighteenth Parliament* of the United Kingdom of *Great Britain* and *Ireland*, Appointed to meet 31 May, 1859, and thence Continued till 24 January, 1860, in the Twenty-third Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, April 24, 1860.

Minutes.] Public Bills.—1ª Law and Equity; Marriages (England and Ireland).

LAW AND EQUITY BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR in moving the second reading of this Bill, said that he was well aware how distasteful such a subject must be to the majority of their Lordships, but he felt it his duty earnestly to implore them to give their attention to the arguments he had to offer in support of his Motion. It appeared to him that we had arrived at a crisis in law reform, and the question now was, whether there should be any further fusion of law and equity. Her Majesty in the Speech delivered from the Throne at the commencement of the Session recommended the subject to the careful consideration of Parliament, and invited their Lordships and the other House of Parliament to resume their labours in the cause of law reform, and to consider whether it was not practicable to effect a further fusion of law and equity, so as to enable the Courts, whether of Common Law or Equity, finally to determine in a satisfactory manner any case which might be duly brought before them. There prevailed in this country what he believed was unknown in any other civilized State—a distinction between the law administered in one tribunal and the law administered in another. This had arisen from what he must call the narrow-minded and technical decisions of the common law Judges in former times. Justice having been denied to the subject in the Courts of common law it became necessary to seek for some other tribunal. Another tribunal was therefore constituted, from which the most important advantages had been derived by the country; he meant the Court of Chancery. The great men who had presided in that Court had constructed a most beautiful system of jurisprudence, which was the admiration of the whole world. But in many respects it differed from the system which prevailed in the Courts of common law, and there had for several generations been a conflict going on between the Courts on the one side and the Courts on the other of Westminster Hall. Lord Mansfield made an

attempt to bring about some reconciliation. But that great Judge and jurist incurred great obloquy for his endeavours, because it had unhappily been the practice of the two classss of lawyers to consider their respective rules of judicature to be absolute perfection, and to look with horror upon any attempt to alter them. He remembered, indeed, that when he himself entered the profession the equitable doctrines of Lord Mansfield were sneered at and contemned in the Courts of common law. Thus things continued with little alteration until fortunately a Commission was appointed by Her Majesty to consider what improvements could be made in the Courts of equity. The Commission consisted of eminent men — namely, Sir John Romilly, Lord Justice Turner, Sir William Page Wood, Mr. Justice Crompton, Sir Richard Bethell, Sir James Graham, Mr. Henley, Mr. J. Parker, and Mr. W. M. James. Their recommendations, as far as the Courts of equity were concerned, had been almost entirely carried into effect; but he was sorry to say that in the Common Law Courts much yet remained to be done. The Commissioners took the most enlightened view of the subject and offered most valuable suggestions. In the Report which they presented to Her Majesty in 1852 they stated:—

"The mischiefs which arise from the system of several distinct Courts proceeding on distinct and, in some cases, antagonistic principles, are extensive and deep-rooted. These mischiefs, we believe, have arisen in part from the different principles by which the different Courts are governed, and the different systems of law from which those principles are derived, and in part from inherent defects in the powers of the several Courts. . . . It happens that, in many cases, parties in the course of the same litigation are driven backwards and forwards from Courts of law to Courts of equity, and from Courts of equity to Courts of law. A defendant in an action at law, who has a just ground of defence, is often obliged to resort to equity to control the decision of a Court of law, or to restrain the plaintiff at law from proceeding to obtain a judgment which cannot in equity be permitted to be available. . . . Again, Courts of law have no powers for the preservation of property pending litigation. A Court of equity has such powers; and parties suing in Courts of law are thus frequently driven into equity for the preservation of the property pending the suit at law."

The Commissioners laid down principles which he wished to see adopted. They said,

"It is obviously most desirable that in every case the Court which has the cognizance of the matter in dispute should be able to give complete relief."

The Lord Chancellor

Having then discussed the various remedies which had been suggested, they continued:—

"We have arrived at the conclusion that without abolishing the distinction between law and equity, or blending the Courts into one Court of universal jurisdiction, a practical and effectual remedy for many of the evils in question may be found in such a transfer, or blending of jurisdiction, coupled with such other practical amendments as will render each Court competent to administer complete justice in the cases which fall under its cognizance. We think that the jurisdiction now exercised by the Courts of equity may be conferred upon Courts of law, and that the jurisdiction now exercised by Courts of law may be conferred upon Courts of equity to such an extent as to render both Courts competent to administer entire justice without the parties in the one Court being obliged to resort to the aid of the other."

In this Report of the Commissioners the principle was laid down on which the present Bill was founded,—one cause and one Court. It was not proposed that a suit should be brought in the Court of Queen's Bench against a trustee for breach of trust, or that an action for assault and battery should be brought in the Court of Chancery; but that legal rights should be enforced in the Courts of common law, and, if equitable questions arose incidentally, that those Courts should have power to dispose of them without entailing on the parties the necessity of going to another tribunal, employing another set of counsel, and thus incurring infinite delay and expense. His hon. and learned Friend Sir Richard Bethell, who was not only a great advocate, but a profound jurist, in an address which he delivered at the inauguration of the Juridical Society in 1855, said:—

"For above a century this country has exhibited the anomalous spectacle of distinct tribunals acting upon antagonistic principles and dispensing different qualities of justice. It is the rule and duty of the one set of Courts frequently to refuse to recognize the real right of ownership, to ignore defences and claims founded on the best established rules of justice; and the prevention of gross injury committed in the name of law is made to depend upon the other Court being quick enough to overtake and arrest the first in its career of acknowledged injustice, and prevent it from deliberately committing wrong."

Afterwards Commissioners were appointed to inquire into the subject of common law procedure, and the country was deeply indebted to them for their labours. Whatever might be thought of their suggestions respecting the equitable jurisdiction, their recommendations for amending the pleadings and process of the Common Law Courts were universally admitted to have

been of infinite benefit to the country. He found from a Return that in the twelve months before the Common Law Procedure Act of 1852 came into operation, the number of rules granted by the Common Law Courts was 38,009, and that in the nine months after that Act came into operation the number was reduced to 3,081, although a greater number of actions were brought and depending. The Common Law Commissioners were Chief Justice Jervis, Chief Justice Cockburn, Mr. Justice Willes, and Baron Bramwell. In their second Report, in 1852, the Commissioners stated :—

"We think we shall not outstep the limits of our commission by so far expressing our opinion, upon what is commonly called the fusion of law and equity, as to say that, whether or not it may be thought conducive to despatch of business and satisfaction in the administration of justice to do away altogether with the present division of labour between the Courts of law and equity, so far as that division arises out of the diversity of the subject-matters over which either class of Courts exercises an exclusive and complete jurisdiction it appears to us that the Courts of common law, to be able satisfactorily to administer justice, ought to possess, in all matters within their jurisdiction, the power to give all the redress necessary to protect and vindicate common law rights and to prevent wrongs, whether existing or likely to happen unless prevented."

They then went on to recommend specific improvements, on which the present Bill was partly founded. On the recommendation of the Commissioners jurisdiction was given to the Courts of common law in all cases where there was an equitable defence ; but the Courts of equity held that suitors were not bound by the judgment where there was power to set up an equitable defence ; so that, if judgment were given against them, they might go into a Court of equity, file a bill, and have the whole case tried over again. Sir Hugh Cairns, a great ornament of the profession, had brought in a Bill which did give to the Courts of equity the powers that were required to do full justice to suitors who came before them, whereas formerly it was necessary, when a legal question arose, to go into a Common Law Court, directing an issue directed to try the point. Sir Hugh Cairns's Act enabled the Court of equity to decide legal questions arising in an equitable suit ; but he was sorry to say that the equity Judges were very reluctant to avail themselves of the power, and it was often necessary in an equitable suit to resort to an action in the Common Law Courts to enforce a legal right, and to incur great additional expense by employing two distinct sets of counsel. In their third Report the Common Law Commissioners, Cockburn, Martin, Willes, Bramwell, and Walton, pointing out the evils and remedies, said :—

"It is our intention and wish that the result of what is proposed should be ingrafted upon and become part of the common law, and that the distinction between common law and Chancery law should be so far abolished. If, in addition to this, the Court of Chancery is prohibited from interfering in cases where Common Law rights are thus rendered capable of complete vindication in the Courts of common law, and in which, therefore, its interference will have become useless, the greater part, if not the whole, of the field of conflict will be done away with by confining the operation of the courts respectively to subject matters peculiar to each. Thoroughly to effect this it is necessary to confer upon Common Law Courts power to give, in respect of rights there recognized, all the protection and redress which at present can be obtained in any jurisdiction, and it is upon this principle that we have acted in our suggestions. If they be carried into effect there will no longer be the spectacle of jurisdictions imperfect in themselves and clashing with one another, but each Court will be armed in itself with exclusive jurisdiction over the subject-matter within its cognizance, and with full power to give all the protection and redress which the law at present affords by means of a plurality of suits. The conflict of jurisdiction will be done away with, because the occasion for it will no longer exist. We have only to add that we have give our best attention to the question whether it is necessary to adopt the procedure of the Court of Chancery in cases where it is proposed to borrow from its remedies ; and we have arrived at the conclusion, strengthened by an experience of the working of the Common Law Procedure Act of 1854, that the desired object can be attained as effectually, and with less expense, by means of the ordinary proceedings of the Common Law Courts."

This Report having been presented to Her Majesty, no time was lost to carry it into execution. The Bill of which he now moved the second reading had been framed entirely and exclusively on the suggestions of those eminent lawyers the Commissioners. The Bill, for which he took no merit, was drawn by Mr. Justice Willes, one of our soundest lawyers and ablest jurists, who had long distinguished himself by his earnest desire to assist in the amendment of the law, and he (the Lord Chancellor) had introduced it without altering a single line. It had been perused and approved of by Lord Chief Justice Cockburn, Mr. Baron Martin, Mr. Baron Bramwell, and all the common law Judges. A copy of the Bill and of the Report of the Commissioners had been submitted to the equity Judges ; but those learned personages he (the Lord Chancellor) regretted to say disapproved of the Bill, and had even—including the Master of the Rolls, and the

Lords Justices Knight Bruce and Turner —presented a memorial against it. They thought that nothing more should be done to bring about any further fusion of law and equity. He had no desire to ask their Lordships to pass the present measure without affording an opportunity for minutely and dispassionately considering the objections raised by the equity Bench—it was but reasonable that such a course should be taken—and with that view what he proposed was that their Lordships should give the Bill a second reading, and refer it at once to a Select Committee. In taking such a step he felt bound to state that the Common Law Commissioners were of opinion the objections of the equity Judges were untenable, and that Lord Chief Justice Cockburn had expressed a willingness along with his colleagues to answer the memorial of the Equity Judges. He would not enter with any minuteness into the provisions of the Bill, but would simply state that its object was to enlarge the powers of the common law Judges by enabling the Courts of law finally and completely to settle all questions of equity which might arise in the course of actions at law. He trusted their Lordships would consent to the second reading. All objectionable points could be fully discussed when the Bill was before a Select Committee.

Moved, that the Bill be now read 2ª.

LORD ST. LEONARDS said, he was wholly opposed to the principle and object of the Bill, and should oppose the second reading. The Bill purported to be a Bill for the further fusion of law and equity; but so far as it tended to alter the present system of legal proceedings, it might be characterized as a measure calculated rather to promote the confusion than the fusion of law and equity; for it would give to one Court powers which could far more properly and far more effectually be exercised by another. The noble and learned Lord (the Lord Chancellor) had given to the House his opinion of the merits of the Common Law Commissioners and their recommendations; but he had altogether omitted to state the objections that were urged against the measure by the equity Judges. He should in the first place draw the attention of the House to the fact that the Commissioners had not been authorized to report in reference to equity jurisdiction, inasmuch as the order of reference had directed them to inquire into the principles of pleading in the Courts of common law; the manner of conducting suits before these tribunals and other circumstances connected with their procedure. The Commissioners had therefore gone beyond the scope of their powers, in reporting that it was expedient to give to the Courts of common law all the material functions which were now discharged by Courts of equity. And this without the slightest necessity. By this process it was supposed by some persons that the two different systems would be amalgamated; but it would have no such operation; they were leaving equity where they found it, and law where they found it; all it would do was to take equity from the Courts that understood it and from persons competent to administer it and give it to Courts that did not understand it and to persons who were not competent to administer it. If there was to be a real fusion of the two systems, they must have a code of law blending together those two branches of the law, and so make the union an absolute and complete one. As the law at present existed, no man had ability enough to execute both common law and equity. The legal system of this country was ancient and complicated, and had hitherto worked well. Let them consider a moment how the Courts, the machinery of both systems, stood. As to the machinery, the several Courts of the Master of the Rolls and the Vice-Chancellors have chief and other clerks, who admirably carry on the important business entrusted to them, and without such assistance, from the nature of equity business, justice would not be administered. There are registrars and other officers skilled in the framing and in the knowledge of the operations of the orders of the Court. The machinery works well, but Courts of law have no such machinery. They have only aid enough to carry out their own judgments. Is the country to be at the expense of unnecessary establishments to enable Courts of law to attempt to accomplish what is now perfectly executed by Courts of equity? The division of labour has been found to operate beneficially in various departments. As the law itself stands, this division between the Courts of law and equity is of great advantage. The object of this Bill is to put an end to that division. To try this proposal by a familiar instance, let the House suppose there to be two workshops, both supplied with adequate machinery and skilled workmen, but each confined and appropriated to a portion of the work—the machinery of the one inadequate to the work of the other; the workman skilled

in one but utterly incompetent in the other branch. What should we say to a law compelling the manufacturer—for no sane man would do it without compulsion—to direct one division to execute the work of both without removing either the requisite machinery or the skilled workmen from the department whose duties it was proposed should be performed by the division to which they did not properly belong. In such cases it is not a question whether originally all the operations should not have been carried on together, but whether, being divided, you can without creating a new establishment by a real union of the divisions, effectually confer on one department the functions of the other. Now, as to the Judges, there were seven in the Courts of equity—the Lord Chancellor, the Master of the Rolls, two Judges of Appeal, and three Vice-Chancellors. How they had answered the purpose intended was proved by the fact that in no country was a system of equity law ever so well, or so certainly, or so cheaply administered as in England at present. The Lord Chancellor sometimes sat separately; the Judges of Appeal were always sitting, sometimes with the Chancellor, but generally without his aid; the Master of the Rolls and the three Vice-Chancellors were always sitting. There were fifteen Judges of the Common Law Courts, who had already as great an amount of business before them as it was possible for them efficiently to transact. Why, then, was the proposed transfer of jurisdiction to take place? Only a few evenings since the noble and learned Lord on the woolsack asked their Lordships to agree to the Bill for increasing the powers of the Judge of the Divorce Court, on the ground that the common law Judges were too much occupied to be able to sit as assistant Judges in the Court of divorce. And yet this important duty was part of the functions with which the Legislature had entrusted them. Then, how was it possible to ask their Lordships, without necessity, to transfer the duties of the Courts of equity, which they were perfectly competent to execute, to the Courts of common law, that could hardly do all their own work? They were quite inadequate to discharge the new duties required of them, or undertake the amount of business that now occupied the six equity Courts and their seven Judges. The consequence of the change would be that the equity Courts would not be fully occupied, and the Courts of common law would be encumbered with too much work. The machinery of the two systems as at present constituted enabled each division to discharge its own duties. But he thought, with all respect to the common law Judges, that they were rather too fond of making cases brought before them the subject of reference to arbitration, which was not the case in the Courts of Chancery. And this Bill particularly provided for a reference to arbitration. It would be found impossible to transfer the business of one set of Courts to the other. It was inevitable that the common law Judges could not be learned in the law of equity; yet it was proposed to transfer to them a system of procedure they had never studied, and in which they had not had the practice indispensable to form an equity lawyer. The consequence of referring equity cases to the Courts of law must be confusion and a mass of conflicting opinions. He had the greatest respect for the learning of the common law Judges in their own line, but common law lawyers themselves would be ready to admit that they were not equity lawers. They had no practical knowledge of the details of equity law and they would be overwhelmed by any attempt to bring its rules into practical operation. Then, if there existed a want of capacity in the Judge, insufficient time for dealing with these questions, and a want of adequate machinery for executing the decisions which might be made, with what prospect of success, he asked, could it be proposed to confer equitable jurisdiction on Courts of law? By taking on themselves to act under the provisions of this Bill these Courts would frequently be forced to take charge of the money belonging to suitors. In Chancery this portion of the duties of the Court had been reduced to a perfect system. All monies were paid in to the Accountant General, whose office was one of long standing, and who had under him a large staff of clerks; while in the Bank of England there was a large department appropriated to the Court of Chancery, with a view to insure the security of the funds and their due application. Was it intended that there should be a similar large establishment for the Courts of common law, or were they to have a repetition of what had happened in early times, where a suitor coming to claim his money found that it had been misapplied by the person to whom it was intrusted? In the case of a fraudulent or improvident trustee the person entitled to the equitable estate would

have little difficulty, and would incur comparatively trifling expense, in causing the property to be conveyed into proper hands; but before the common law Judges a fraudulent trustee would be able to make out a much better case; and under the provisions of this Bill the owner, he contended, would be compelled to make good his equitable right as against the trustee before it would be competent for the Judges to decide on the evidence. The result of the measure, if passed, would be that the equity Courts would sit inactive, while the law Courts, with insufficient machinery, time, and information, would be engaged in the attempt to execute imperfectly and ineffectually the business which it was sought to withdraw from the proper channel. As for amending the Bill in Committee, there was but one thing which could be done with it, and that was to run a pen through all the clauses relating to the equitable jurisdiction. The third Report of the Common Law Commissioners proposed that certain equitable powers should be given to the Common law courts, which were accordingly conferred upon them, but those Courts had refused to exercise them, on the ground that they had not sufficient jurisdiction. It was not, however, a want of power on the part of the Judges, but a want of determination to execute that power, which prevented them from doing so. The Judges found—and nobody was better acquainted with the facts than the noble and learned Lord on the woolsack—that they were unable to deal with the subject, and they refused to assume the authority which the Act of Parliament had conferred on them. Now, it was proposed, in so many words, that they should have the power which they had before declared they were unable to execute. The Bill directed that in cases where the Judges found they were not able to do justice they should let the party go to equity. Was ever such a provision heard of? It was proposed, as an improvement on the existing system, that powers should be transferred from the Court of equity to a Court of law; and, if the latter found itself unable to deal with the cases brought before it, the remedy provided was, that they should be sent back to the very Court to which, at the present moment, they belonged! He maintained, as he had often done, that the tendency of modern legislation was to drive suitors from the uncertainty and conflict of jurisdictions into an arrangement of their suits by way of arbitration. The Bill proposed to give to Courts of law power to enjoin Courts of equity not to give relief, and a more monstrous proposition he had never heard. The noble and learned Lord had referred to the example of America, where the equity jurisdiction was at one time in a most unsatisfactory state. The remedy applied was to enable Judges of the Courts of law to sit also as Judges of equity; but that was not a fusion of law or equity—it was a mere confusion of Judges. The Judges of the Court of Exchequer here had at one time an equity jurisdiction; but the result of their being both law and equity Judges was, that the equity jurisdiction was administered so unsatisfactorily, that an end was put to it by Act of Parliament, by the unanimous assent of all men, at a vast expense in the way of compensations and retiring allowances. And yet Parliament was now asked to sanction the re-establishment of a system with regard to all the Courts of law which had already been tried and failed signally. The noble and learned Lord on the woolsack had acted with the utmost fairness in regard to this Bill. When the Bill was produced it had thoroughly astounded him, and he had no hesitation in saying that his surprise was shared by every lawyer in and out of Parliament; and he suggested to his noble and learned Friend to refer it to the working Judges of the Courts of equity—since the Report, of which it was the echo, was drawn up entirely by common law Judges. That was done, and the Report of the Master of the Rolls and the three Vice-Chancellors was now on the table, condemning the Bill on every ground. To every word of that Report he thoroughly subscribed. The Lords Justices had not been included in the reference, but they had also expressed their opinion in communications addressed to his noble and learned Friend in strong condemnation of the Bill. Therefore the noble and learned Lord on the woolsack—new to the Court, to its law, and to its practice—stood alone against the other six Judges of the Court whose lives had been spent in it. A more important question had scarcely ever come before their Lordships, and whether an attempt should be made to refer the Bill to a Select Committee or not, he should certainly take the opinion of the House in the present stage.

Lord CRANWORTH said, the subject now under consideration was one of pre-eminent importance. Whether it should be referred to a Select Committee or a

Committee of the Whole House was a matter upon which, at that moment, he would not offer any opinion. He thought, however, that it was of great importance that the Bill should not be crushed at once, merely on account of certain parts of it that might appear objectionable, for on the other hand there were certain parts of it which ought to become law. He hoped their Lordships would not accede to the objections of his noble and learned Friend (Lord St. Leonards). The object of his noble and learned Friend on the woolsack was to enable all the Courts of equity and at common law to completely and satisfactorily decide every question brought before them, so that the suitors should not be bandied backwards and forwards from one Court to the other. That that was a most desirable object no one could doubt, and no one could doubt that every case ought to be decided cheaply and quickly, and, if possible, before one tribunal. In the object in view, therefore, he entirely concurred, although he must express his opinion to be that he felt great reluctance against passing a large portion of the measure. He objected to some but not to all the equitable clauses. He was disposed to agree to some of them, as he thought they would be eminently useful. He thought it, for instance, of the greatest utility that pending an action for ejectment the Court of common law should be able to restrain parties from committing waste or cutting down timber; whereas persons who brought an action of ejectment in a Common Law Court were now driven to a Court of Chancery for an injunction to restrain waste. So, again, in cases of forfeiture for non-payment of rent. If rent was tendered within a certain period the Court of common law ought to be in a position to stop the action in the same way as the Court of Chancery would now do. What objection could there be in such cases to giving the Courts of law larger powers? Last Session his noble and learned Friend, Lord St. Leonards, introduced similar clauses in reference to insurance. In the Common Law Procedure Act of 1854 there were for the first time introduced what were called equitable defences at law, and the Commissioners had recommended a greater extension of the system, to enable Courts of law to deal with equitable subjects. He would not go into the question of the original distinction between equity and law. They must deal with the matter as an accomplished fact—they found it so. There were certain cases called equitable, and others of common law. Then why not fuse, so far as they could, the two together, and say the Courts should administer justice in all? The reason why it could not be carried out generally was this—that in one class of cases the subject matter in litigation required one sort of machinery and another class another kind; and the Courts of law and equity at Westminster had not the machinery which was required for the two classes of cases. If all had the same jurisdiction, they must all have the same machinery. Suppose, for instance, a person died indebted, the executor was the person whom the creditor must sue, and he could bring his action at law and obtain judgment. But a Court of equity said that was not perfect and complete justice, and what was required was, that all the assets should be got together, so that all the creditors might come in and prove their debts, and the estate should be distributed rateably among them. The Courts of common law could not possibly deal with such a case, because they had not the machinery whereby full justice could be done. They required the machinery of the Accountant General's office connected as it was with the Bank of England, and the assistance of officials to issue advertisements and take accounts. If they had not this machinery attached to the Courts of law, what would be the consequence? why, they would stop parties from bringing their actions, and then would not be able to give them complete redress. He would not go into the question as to the Judges of either Court being equally competent for both classes of business, no doubt the common law Judges either were already or would very soon become fully competent. But this would be of no avail because if they had not competent machinery all the learning and intelligence in the world would not be of any service. On the other hand, there were cases in which it was unjust for the plaintiff to sue at all; and in which no special machinery was required, yet the defendant could not stop the action without going to the Court of Chancery. It was to meet this state of things that provision was made in the second Common Law Procedure Act, whereby parties were allowed to plead equitable defences if the Court did not feel incompetent to deal with the matter. In the first year after the passing of that Act two cases arose which completely illustrated the necessity of the alternative which enabled the Courts of

common law either to admit or refuse an equitable plea. In the first case, an action was brought in which the equitable defence depended on the defendant executing a proper surrender and doing other acts which the Courts of common law had no means of enforcing. In that case, therefore, the plea was not allowed. In the second case an action was brought to recover the value of machinery in a mill. The equitable defence was that £10,000 had been paid for the mill and machinery, but by a mistake the machinery was not mentioned in the bought and sold note. The Court of common law could deal with such an issue as that, and the plea was admitted. By this Bill it was proposed to enact that a party should be able to obtain an *ex parte* injunction upon what was called a summons from a Judge at chambers. At present such injunctions were only granted by the Court of Chancery to prevent irreparable mischief, upon a bill and affidavit disclosing all the circumstances both for and against the party applying. No such security would, as he understood the Bill, be obtained under the present measure. More than this, it was obvious that an injunction granted with the view of preventing irreparable mischief to one person might cause an equal injury to him against whom it was granted. Accordingly, it was essential to justice that there should be an immediate and ready means of getting rid of it. Under the present system the Court of Chancery was in theory, and to a great extent in practice, always open; but if injunctions were to be granted by Judges at chambers during vacation it might be several weeks before parties considering themselves aggrieved had an opportunity of applying to a Court of common law for their dissolution. He thought he was bound in justice to their Lordships, and to the Court with which he had so long the honour of being connected, to state his views upon the measure, in order to show why he could not concur with his noble and learned Friend (Lord St. Leonards) in the opinion that the defects of the Bill afforded any ground for not reading it a second time. He objected to such an extreme course, because he believed that the larger half of the Bill contained provisions to which no objection could apply.

Lord KINGSDOWN said, that dry as the subject was, and unintelligible as it must necessarily be to the majority of their Lordships, he spoke with sincerity when he said that a Bill more important in its consequences had not often been laid upon the table of their Lordships' House. Its effect would be, whether wisely or unwisely, to subvert the system of law which had prevailed in England for upwards of 200 years, and to introduce into the administration of justice a confusion and uncertainty to which the nation hitherto had happily not been subjected. The distinction between law and equity arose from the circumstance that any system of jurisprudence which pretended to effect justice must apply different remedies to the assertion of different rights, and to the redress of different wrongs. The evil which was proposed to be remedied by this Bill, and which the Report of the learned Commissioners suggested needed a remedy, was not that the system administered by the Court of Chancery required to be altered, not that it was wrong, not that it failed to do justice, but that it would be more efficiently applied by Courts other than those to which its administration was now intrusted. It was contended that as the law was one, the same Court ought to administer it; but it might be said with equal force, that the same department of the State ought to conduct the Naval as well as the Military business of the country. That a colonel ought to command a ship and an Admiral to lead an army. The science of medicine was one, but nobody insisted on a physician proposing an amputation or on a surgeon attending through a fever. The only important question was how could the duty be performed with the greatest efficiency and at the least expense. The provisions of this Bill, instead of diminishing delay and expense, would largely increase them. The effect of the Bill in its present shape would be to empower an adversary, when a right was asserted in the Court of equity, to transfer the jurisdiction from that Court which understood the subject, and which was provided with all the machinery for administering the law, to another Court which was ignorant upon the subject and which possessed no such machinery. The question was not whether some improvement might not be made in some particular items, but whether the general change proposed by the Bill, and which was termed the "fusion of law and equity," was desirable; and if so, whether this Bill was calculated to carry out the object sought. He gathered from what was stated in the Report of the Commissioners, that upon a former occasion his noble and learned Friend (Lord Cranworth)

had objected to the proposals which were again submitted to their Lordships in this measure. If that were really so, he must be permitted to say that it was one of the many unacknowledged or ill-acknowledged obligations which the country owed to his noble and learned Friend, who, while he held the Great Seal, unostentatiously discharged its duties in a manner which might challenge comparison with the ablest and most distinguished of his predecessors. With the permission of their Lordships he would, for a moment, invite their attention to the course of procedure that would be rendered necessary in granting injunctions in the event of this Bill becoming law. In the first instance, an application was to be made to a Judge of the Court, and if granted, *exparte*, of course, it might be re-heard. If either party were dissatisfied they might appeal to the whole Court; if a Court could be found sitting—and during a great part of the year the Court would not be sitting. The Court might direct a special case to be stated, or an issue or issues to be had, or reference to such person or persons, as the parties might agree upon. But the matter was then by no means settled. After it had passed through all these stages, which might occupy years, it might be brought before a Court of Error, which in many cases could have no means of forming a judgment on the matter After having passed through all these forms, whether it was to be brought by a writ of error before their Lordships' House, or their Lordships were to be deprived of their jurisdiction, he was unable to say—but after it had passed through all these stages, after the opinion of all these Judges had been given, after the case had been argued, the issue tried on the point of fact, and the case had found its way into the Court of Error by way of appeal, the Court of Error might say, "We can make nothing of it. Go your ways to the Court of Chancery." He was told that the Bill was founded upon the Report of the Commissioners, and that it carried faithfully into effect the recommendations of the Commissioners. He regarded with the utmost respect the names which he found attached to the Report. The first was that of a most distinguished individual—at the bar the most eloquent of advocates—the most accomplished of gentlemen, and who, he believed, in his high office of Chief Justice, discharged its duties in a manner which gave general satisfaction. The other names were those of excellent common lawyers, but none of those learned persons ever had any experience of the course of procedure in Courts of equity. He confessed that he had heard with considerable astonishment his hon. and learned Friend the Attorney General cited as one of the supporters of the measure.

THE LORD CHANCELLOR: I quoted, in support of the principle of the Bill, his address to the Juridical Society.

LORD KINGSDOWN: Knowing the precision and accuracy of the Attorney General, it was impossible for him to persuade himself that his learned Friend had ever given his high sanction to one single clause in this measure. Judging only from the internal evidence of that document, he must say that no man in the slightest degree conversant with the doctrines and practice of a Court of Equity could suppose that the provisions of the Bill gave to the Courts of law, with respect to injunctions only, the same authority which was now exercised by Courts of equity. While professing to confer this jurisdiction on Courts of law, instead of confining it as it had been confined by Courts of equity, the Bill actually extended it to every possible case in which actions for breach of contract or other injury might be brought. Any action—the most important or the most trivial—might be the subject of these injunctions. Looking through this Report, as he was bound to do when told it was the foundation of this Bill, he had met with a passage which had rather surprised him, and which he was utterly unable to comprehend. It spoke of the jurisdiction of the Court of Chancery "to entertain Bills technically called Bills for new trial." He must say he had never heard of such Bills. He should apologize to their Lordships for entering into these details, but it was important that the matter should be fully discussed. A good deal had been talked of the fusion of law and equity, but he could not help thinking that there ought to have been a fusion of equity and common law Judges on the Commission. He had no apprehension that this Bill, or anything like it, could ever by possibility pass into law. He had not much apprehension that this Bill would go to the other House of Parliament in its present shape. There was another and much more important point which was not necessarily involved in that discussion, and that was whether it was or was not advisable in a different mode to attempt that which was called a fusion

of common law and equity. He confessed he distrusted all attempts to tamper with the existing legal institutions of the country. If that doctrine, which he believed was first propounded by the eminent individual to whom he had referred (the Attorney General) was capable of being reduced to a system, he (Lord Kingsdown) had no doubt it would be laid before the other House of Parliament with every advantage which the greatest ability could confer. Our judicial system was like our legislative system; they were both of native growth—the growth of England; they had grown with the growth of the people, and had been accommodated gradually to their wants; and though they may contain many irregularities, and may display some want of symmetry—yet with all these apparent defects they have conferred upon this country a greater share of order, freedom, and prosperity, and a purer administration of justice, than was ever enjoyed by any other country under the sun. He did, then, trust their Lordships would pause before, under the notion of making a theoretical improvement, they adopted an alteration which was calculated to impair the usefulness and endanger the security of such a system.

Lord WENSLEYDALE said, he entirely agreed in the panegyric pronounced by his noble and learned Friend on the woolsack on the various Commissioners who had considered this subject. Many improvements had been made in the law in the course of the last few years. In 1850 a Commission was appointed to inquire into the state of the law, and through its labours great simplification had been introduced into the system of pleading, as well as other most useful alterations in the common law system. They were embodied in the Common Law Procedure Acts of 1852 and 1854, and were eminently useful. The latter statute gave the Courts of common law, on the one hand, equitable jurisdiction, to give plaintiffs the full effect of their judgments by injunction, and, on the other hand, to grant defendants relief, by injunction, from judgments against them, for which they would have otherwise been obliged to apply to a Court of equity. The Court of Exchequer, when he had a seat in that Court, decided that they could only give relief to a defendant in cases in which a Court of equity would have granted an unconditional perpetual injunction; and their decision was, I believe, approved of and constantly followed in the other Courts of law. Those Courts have not officers capable of working out the details necessary in conditional and limited injunctions, with which Courts of equity are familiar, and new officers would be necessary. Looking back to the last fourteen or fifteen years, he had seen that one certain result of most alterations of the law, had been the appointment of a great number of new, and often the pensioning off of a number of old officers, the expense of which to the country had been enormous. He entirely objected to the part of the Bill which gave original jurisdiction in equity to the Courts of common law, beyond that which the statute of 1854 gave them. But other parts of the Bill might be useful. He therefore entirely agreed with the noble Lord who first addressed their Lordships in opposition to this measure as to the impropriety of extending the jurisdiction of Common Law Courts to all cases of injunction. The noble and learned Lord concluded by observing that he could not therefore concur with his noble and learned Friend (Lord St. Leonards) in objecting to the Motion for the second reading of the Bill.

Lord CHELMSFORD said, he entirely concurred with his noble and learned Friends by whom he had been preceded in their opposition to the Bill, and added, that when the question which it involved came on for discussion again, it would be desirable that the House should consider whether it was desirable, when a measure of such a character was introduced, proposing to effect, as the greater portion of this Bill did, important alterations in the jurisprudence of the country should be adopted, so far as its reference to a Select Committee was concerned, because it contained certain clauses which were in themselves unobjectionable.

The LORD CHANCELLOR, in reply, said, that as the Bill was about to be read a second time without opposition, he should not enter into a discussion of the various objections which had been urged against its adoption. He could not, however, help expressing the great surprise which he felt at the statement which had been made by his noble and learned Friend who had left the House (Lord St. Leonards) to the effect that he regarded it as an act of great presumption on the part of the Common Law Commissioners that they should have dared to meddle with the subject. His noble and learned Friend, indeed, seemed to look upon the conduct of the Commissioners in that respect as the right rev. Bench might be supposed to view a proposal for

the amendment of the Ten Commandments. But he would remind his noble and learned Friend that the Commissioners had been authorized to examine how far the Courts of common law might be improved, and that they had come to the conclusion that a great obstacle to that improvement was the want of equitable jurisdiction. The having made a Report in accordance with the authority with which they were invested, then, constituted the head and front of their offending, and he could not help adding that the objections to the Bill which were founded on that Report seemed to him to be based on an entire misapprehension of its meaning; for it did not propose that suits, of whatever character they might be, might be brought indiscriminately before either equitable or common law tribunals, but that if, incidentally, a question of law arose in a suit in equity the equity Courts might be empowered to deal with it, and *vice versa*. Any Amendments in the Bill which might be suggested would, he need hardly say, receive his most careful consideration.

In answer to Lord Chelmsford,

The LORD CHANCELLOR said, he would lay the Report of the equity Judges upon the Bill before their Lordships; and when they had had an opportunity of reading the opinions on one side and on the other, he would move that the Bill be referred to a Select Committee. He stood in a neutral position between law and equity, and he hoped there would be no contest among lawyers on the subject, but that they would continue to work harmoniously together.

On Question, *agreed to;* and Bill read 2ª accordingly.

House adjourned at Eight o'clock, to Thursday next, half-past Four o'clock.

HOUSE OF COMMONS,

Tuesday, April 24, 1860.

Minutes.]—New Writ Issued.—For Berkshire, in the room of Leicester Viney Vernon, esquire, deceased.

Public Bills.—1° Innkeepers Liability.
2° Census (England).
3° Public Improvements; Petitions of Right.

FRANCHISE STATISTICS.
QUESTION.

Mr. HOWES said, he would beg to ask the Secretary of State for Foreign Affairs, Whether it is the intention of the Government to cause to be laid upon the Table any further Returns which may afford information as to the probable effect of the extension of the franchise proposed by the Bill for the Amendment of the Representation of the People of England and Wales, or may throw light on the grounds or scope of the provisions of the Bill, and if so, when such Returns will be laid on the Table? He said his question was not intended to refer to any Return which might be asked for by an independent Member, but it solely referred to those returns which the Government might think fit to place before them.

Sir GEORGE LEWIS said, the Government had given the House all the Returns of which they were in possession, and he was not aware that they contemplated laying any further information before the House. The House must be aware it was utterly impossible to enter on a valuation of property for the purpose of ascertaining the rental of all the tenements in the kingdom with a view to statistical results. Even if such a survey were made, it would take many months, if not a year or so, to complete it. Therefore all the Government could do was to obtain an abstract of the rate-books, and it was open to the House to consider whether the rate-books represented correctly what they purported to represent.

Sir HENRY WILLOUGHBY said, he also wished to ask the right hon. Gentleman whether he can place any statement on the Table of the number of houses between £6 and £20 rental for which the rates have been compounded for?

Sir GEORGE LEWIS said, he was not aware whether the Returns distinguished those houses for which the rates were compounded for from other houses. If the existing Returns made that distinction, there could be no objection to produce them.

HERRING FISHERIES (SCOTLAND) BILL.
QUESTION.

Colonel SYKES said, he wished to ask the Lord Advocate, Whether it is his intention to introduce Amendments into the Herring Fisheries (Scotland) Bill, in accordance with views expressed at recent public meetings by persons having a practical knowledge of the Fisheries of Scotland.

The LORD ADVOCATE said, in regard to the general question it was impos-

sible to give an answer. Probably the best answer he could give was, that the object of the Bill was, as far as practicable, to prevent what was felt to be an injurious practice of trawling. He was quite prepared to adopt any provision that might be considered beneficial.

LAND IMPROVEMENT (IRELAND) BILL.
QUESTION.

THE O'DONOGHUE said, he would beg to ask the Chief Secretary for Ireland, what day he intends to fix for the Second Reading of the Bill to amend the Law relating to the Tenure and Improvement of Land in Ireland; also, whether he can name an early day for the consideration of the other Bills having reference to the same subject, and which are now before the House?

MR. CARDWELL said, he was anxious to obtain a day for the consideration of the Bill relating to the tenure and improvement of land in Ireland, and had put it down for Friday. If he should not be able to bring it on then he would take the earliest Government day.

PROFESSORSHIP OF MODERN HISTORY, CAMBRIDGE.—QUESTION.

MR. STEUART said, he would beg to ask the Secretary of State for the Home Department, Whether any special cause has prevented the filling up of the vacancy existing in the Professorship of Modern History for the University of Cambridge; and whether the vacancy will now be soon filled up?

SIR GEORGE LEWIS replied that as he had no official connection whatever with the University where the appointment was to take place, he could not answer the question of the hon. Member.

THE REFORM BILLS.—QUESTION.

MR. BAILLIE COCHRANE said, he wished to ask, Whether it is intended that the Scotch and Irish Reform Bills be read a second time before the measure for the Representation of the People of England and Wales is proceeded with in Committee?

LORD JOHN RUSSELL was understaod to decline giving any pledge upon the subject.

MR. HOPE said, that the reply of the noble Lord (Lord J. Russell) to the hon. Member (Mr. B. Cochrane) with respect to whether the Scotch and Irish Reform Bills would be read a second time before going into Committee on the Reform Bill for England, had not reached him. He wished to know what it was?

SIR GEORGE GREY replied, that the noble Lord had said that he could not give an answer to that question at present.

ARMSTRONG BATTERIES FOR CHINA.
QUESTION.

MR. PAPILLON said, he would beg to ask the Secretary of State for War, What are the respective dates of the embarkation of the two Armstrong Batteries of Royal Artillery for China; of their arrival at Alexandria; of their disembarkation there; and of their re-embarkation at Suez; whether there is any truth in the statement that the Ammunition was seriously damaged, if not entirely spoiled, owing to the defective arrangements on board the *Himalaya;* and whether any steps have been taken in consequence to insure a sufficient supply of serviceable Powder by the time that the Batteries can be required for action?

MR. SIDNEY HERBERT said, that he had on a former occasion explained the cause of the detention of the batteries at the Isthmus. This was owing to unforeseen events interfering with the arrangements the Governor of Bombay had made for their transport from Suez to China. Lord Elphinstone had telegraphed a message proposing to send a vessel to Suez to meet the *Himalaya*, so as to take the 14th Dragoons; but the reply of the Government, though despatched next day, unfortunately, from an accidental circumstance, did not reach him until he had despatched the 14th Dragoons by sailing ships. Lord Elphinstone then undertook to send the steamer *Auckland* to Suez for one battery, and engaged with the agent of the Peninsular and Oriental Company at Bombay that one of their steamers should be placed at the disposal of Government at Suez for the other, and subsequently he despatched the *Berenice* to assist. The *Auckland* unfortunately broke down at Aden, and was obliged to return to Bombay, and the Peninsular and Oriental Company were unable to comply with their agent's requisition, so that the *Berenice* was the only vessel from Bombay which reached Suez until the *Imperatriz*, which had been employed in laying down the electric cable, was finally engaged through the exertions of the agent at Aden and our consul at Alexandria. Now, with respect to the dates. The two bat-

teries of Royal Artillery were embarked on board the *Himalaya* at Southampton on the 15th of January; the *Himalaya* reached Alexandria on the 29th of January; No 1 battery, 4th brigade, disembarked from the *Himalaya* on the 11th and 12th of February. The above battery, with three-fourths of its stores, left Suez in the *Berenice* on the 15th of February, which vessel arrived at Ceylon on the 15th of March all right. The remaining stores of this battery were despatched in the *Simla* on the 20th of February. The second battery and stores disembarked from the *Himalaya* on the 9th and 10th of March, and were placed on board the *Precursor* at Suez, there to await the arrival of the vessel that was to take them. The *Imperatriz* sailed with the above on the 5th of April. Captain Milward, who commanded the second battery, reported that on opening the limber boxes he found that damp had penetrated into them and damaged the powder; the fusees, however, were in a different part of the ship, and on inspection were found uninjured. The total amount of ammunition with Captain Milward was 112 rounds per gun. A portion of this might be so damaged as to be useless, but sufficient provision had been made against this by sending 812 rounds for each gun of the two batteries in the *Khersonese* screw steamer on the 26th of January last, which would arrive in China before the battery, in all probability. Independently, therefore, of ammunition already in China, or of what might be sent from Calcutta, whither Captain Milward had written for a fresh supply, there would be 924 rounds for each gun of the two batteries.

FORESHORES.

SELECT COMMITTEE MOVED.

Mr. AUGUSTUS SMITH moved for a Select Committee to inquire into the rights of the Crown as connected with the foreshores, tidal rivers, estuaries, and bed of the sea round the coast of the United Kingdom, and the manner in which the Woods and Forests were dealing with the same. He said he had brought this question before the House on several previous occasions, both in the last and present Session, but had somehow always found his exertions rendered nugatory by a count out. This was more especially the case before the Easter recess. Such a result would have naturally made him draw the conclusion that the question was one of little or no consequence, but as on the last occasion the Second Reading of the Reform Bill stood also for discussion, and the count out was the act of Government, the inference he arrived at must be either that the Reform Bill was of very little or his own Motion of very great importance. As applied to both questions, he believed this to be a correct description, and therefore again ventured to obtrude this Motion again on the attention of the House. If, however, it was as insignificant as some supposed, he felt it was utterly out of his power to give it an importance which did not belong to it—to raise a mountain from a mole-hill—if, on the other hand, it involved such great interests as he believed, and embraced weighty questions of law, his embarrassment was not less enhanced at the heavy responsibility he had undertaken in attempting to deal with a subject to which it might be beyond his power to do justice, and therefore prayed the House kindly to extend him their indulgence while he attempted to unravel a matter necessarily involved in somewhat dry details and legal technicalities. A few weeks ago he presented a petition from a gentleman residing in Carmarthenshire, in Wales, named Rees, a magistrate of that county, who complained that he had been for many years exposed to a vexatious and expensive litigation with the Commissioners of Woods and Forests in consequence of claims which had been made by the Commissioners to the foreshores. He said that he and his ancestors had had the advantage of this property for many generations without being interfered with in any way; and in 1838 he granted a lease to a company for the raising of coal upon this land. The land might be described as freehold property, and it consisted principally of marsh land adjoining the sea. About the year 1845 the Commissioners of Woods and Forests claimed this land as the property of the Crown, and they called upon him to point out the line and boundary of his property. Now he must here point out what an unreasonable demand this was on the part of the Woods and Forests. They had never been heard of before as claiming to be neighbours and to have an interest in property bordering on Mr. Rees's estate, and when they suddenly appeared in that character it was surely their part to name the boundary to which they claimed to be adverse possessors. Mr. Rees declined doing what was required, and the Commissioners appointed a Mr. Sop-

with, a surveyor, to set out what this line was. He laid down a line which Mr. Rees could not admit, and in consequence litigation was commenced, and had been going on ever since. In 1854 a decree was pronounced by Lord Cranworth which settled that the boundary line of the foreshores was to be the medium rise of the tides. The litigation, however, still continued, but he would not trouble the House with the various phases which the suit assumed, through other parties being joined in the same proceedings; suffice it to say, Mr. Rendel, the Civil Engineer, and on his death, Mr. Bidder, of Great George Street, Westminster, was appointed by the consent of all parties to set out the line by actual survey. This was given in by Mr. Bidder in 1858, fixing a line considerably seaward to that claimed by the Woods and Forests on Mr. Sopwith's Report. The Commissioners have declined to abide by Mr. Bidder's survey, and are still harassing Mr. Rees by further legal proceedings. Other landlords had compromised the matter, and Mr. Rees stated that if he had known the trouble and expense, he would have done so too. In these proceedings another step has been taken, since Mr. Rees's petition was presented, to which he particularly called the attention of the House. It was only last week the case again came on before the Chief Clerk of the Master of the Rolls, a Mr. Whiting. Mr. Watson, the solicitor for the Woods and Forests, objected to Mr. Bidder's line, on the ground that it ought to be fixed by some tidal observations which had for some years back been kept at the adjoining port of Llanelly. This Mr. Rees said he had no evidence ready to show ought not to be accepted as the guide, and asked for delay that he might be able to prove this. Mr. Watson pressed, however, for an immediate decision, and on the ground that Mr. Rees had presented a petition to the House of Commons complaining of the delays he had been subjected to. Now it was quite monstrous that any official of a Government Department should attempt thus to press hard on a subject, because he had done that which he had an undoubted right to do, to petition the House of Commons on the persecution he had endured in this protracted suit lasting fifteen years. The case of Mr. Rees alone was one of such hardships, that, in his opinion, it justified the appointment of the Committee. This interference with shore property commenced when Lord Morpeth became Chief Commissioner of Woods and Forests, and had been continued with vigour ever since. Between the years 1834-57, nineteen very important suits were instituted, but they were most of them compromised, so that the questions which they involved were not fully tried out. The most important of these were the suits connected with the Mersey, and that in respect of the Thames, in which he thought the City of London were very greatly to blame in not having fought that contest thoroughly out. The Woods and Forests, however, were enabled, by the apprehension of legal proceedings which those actions excited, to make a great number of bargains. In the ten years 1830-9 there were only four sales; in the next ten years there were eighteen; but in the seven years 1850-6 there were were no fewer than 117; making a total of 139. In 1858 there were thirty, and in 1859 there were thirty-nine sales, for which upwards of £170,000 was received. There had also been a great and an increasing number of leases for foreshores. Now, how was this money disposed of? It was entered into the *capital* account of the Crown lands, and went wholly to enhance the ultimate value of that property which the public only hold, as it is now the fashion to assert, during the life of the present Sovereign. Such payments, however, were almost entirely on account of interests given up by the public, which, like those of commoners in a Manor, are much larger than those of any Seignorial right that might vest in the Crown. A Return lately laid on the Table showed the interest of a mere Lord of a Manor not to exceed a 14th or an 18th in the waste, but in the sales of shores the Crown appropriated to itself the whole proceeds. It was only of late that these pretensions had been put forward, for in former times it was always believed that the foreshores were vested in the Crown for the benefit of the public—that the Crown was, in fact, the trustee for its subjects. The language, however, now used claimed such as being part and parcel of the soil and territorial possessions of the Crown, in all respects the same as any other of the landed estates under the Woods and Forests. This doctrine is put forth in their Annual Reports, but still more strongly in certain documents laid on the Table at the close of last Session. These embrace a long correspondence relating to the Submarine Telegraph Company, well worthy on many accounts the attention of the House, as

showing how any party or company may be driven from pillar to post through the interference of different Government offices, and accordingly we have here first the Foreign Office, then the Admiralty, the Board of Trade, the Treasury, and more especially the Woods and Forests, all evoked to bully this company. Mr. Gore, one of the Commissioners of Woods and Forests uses this language—

"*Primâ facie* the shores of the sea, between ordinary high and low-water marks, and of all navigable rivers as far as the tide flows *belong to the Crown.* . . . . . With respect to the bed of the sea from low-water mark, I apprehend the Crown title is indisputable, and that it cannot lawfully be permanently occupied by a subject without licence from the Crown."

He would ask whether even with licence such occupation could be given? Mr. Gore goes on to say—

"As an illustration of the Crown's right to the bed of the sea, I beg leave to enclose "—what! one would suppose some ancient authority or statute or charter, but—"a copy of the Cornwall Submarine Mines Act, of last Session, which declares . . . . . Mines below low-water mark belong to Her Majesty, as part of *the soil and territorial* possessions of the Crown."

And to the same effect the Atlantic Telegraph of 1857 is also quoted. He had objected to the former Act when passing through this House on the ground that its provisions, though apparently only applying to Cornwall, would be found to affect similar interests throughout the kingdom, and such prophecy has thus been verified. In a subsequent letter Mr. Gore states that the Crown lands by Act 10 *Geo.* 4, c. 50, are placed under the management of Commissioners of Woods, thus asserting the identity of the foreshores as part of the same. He further instanced the Durham Palatinate Act, passed two years since, where this description of property in the bed of the sea, and sea-shores, was stated to be part of the Jura Regalia vested in the Bishop, and not as forming a portion of the soil and territorial possessions belonging to the sea, though in the subsequent part of the same Act they were transferred and declared to be in future part of the soil and territorial possessions of the Crown.

Now in this rests the main question as to whether such is their true character and nature, and which, looking to all ancient authority and mode of dealing with this property, he altogether denied. Without going back to what is recorded in Magna Charta, or Bracton, or various ancient statutes, he would draw attention to Callis's work on Sewers in the time of Elizabeth. Here he would remark as to the meaning of that word sewer, which was very different to its more modern use. It really means sea-ware or sea-work, and the Commissions of Sewers were appointed under various Acts of Parliament from a very early period expressly to look to the repair and preservation of the sea-shores, which, had they been considered as part of the Crown Lands, would not have been necessary, as it would have been the duty of the officers having charge of such to have attended to these works. The shores were then also treated as highways. An Act passed in the 27th year of Elizabeth, providing for the repair of the sea-banks in the county of Norfolk, showed beyond all doubt that in those times the seashore was considered in the light of a highway, the repair of which devolved on the same authorities who were charged with the maintenance of the ordinary highways. Again, an Act passed in the 31st of Elizabeth, relating to the building of cottages, and providing that no cottage or house was to be built, unless with four acres of land attached to it, contained the curious exception that the Act was not to extend to any cottage erected within a mile of the sea, and giving power to the Admiralty—not any officers of the Crown Lands—to remove such. He quoted the opinion of Lord Hale, who compared foreshores to the waste of a manor; and he also cited Mr. Chitty's book on the prerogatives of the Crown, published some thirty years ago, and that of Mr. Phear, of recent date, to show that they were at variance with the pretensions of the Woods and Forests on the question under consideration. Certainly, the Crown had no rights which would justify their late endeavours to invite and almost compel persons in some instances to buy up these interests in the shores, as illustrated by the advertisements published for some months in reference to Hull citadel, and the foreshore of twenty-six acres adjoining. What right and object can the Woods Commissioners have to put up for sale property in which the public interests are so largely concerned without their previous concurrence? What, therefore, he wished to learn was, whether these foreshores were part and parcel of the possessions of the Crown; what was the interest of the public in this property; and what rights the Commissioners of Woods and Forests had over it? He hoped he should have these questions

fairly answered by the Attorney General, and that he should not be met, as he was on a former occasion, by an attack of a personal character. The learned Attorney General had thought fit on that occasion to allude to him (Mr. A. Smith) as holding some shore right—the facts being these: that whereas now all wrecks were taken possessions of by the officers of Customs, those officers had thought fit to make use of his property for the purpose of depositing wreck thereon, which practice he had complained of. He did not know whether the Attorney General had ever been on the seashore, but if he had, he must surely have known that the foreshore—that portion of the seashore over which the tide ebbs and flows twice in twenty-four hours—was not precisely a spot that would be selected for depositing wreck upon. He begged to thank the House for the patience with which they had listened to so dull a subject.

Motion made, and Question proposed,—

"That a Select Committee be appointed to inquire into the rights of the Crown as connected with the Foreshores, Tidal Rivers, Estuaries, and Bed of the Sea round the Coasts of the United Kingdom, and the manner in which the Commissioners of Woods and Forests are dealing with the same."

Mr. MORRIS, as representing a part of the county (Carmarthen) where the lands in question had been on several occasions the subject of legal proceedings, begged to second the Motion.

The ATTORNEY GENERAL said, he was surprised to hear the hon. Member for Truro accuse the Government of having on a former occasion, when he brought forward this subject, been instrumental in counting out the House. In this the hon. Member was entirely mistaken, and did the Government great injustice, but himself still greater, for he believed the House was counted out solely by the hon. Member's unassisted efforts. The Government regretted that the question was not then disposed of; and he was glad that it had been again brought forward, as heartburnings appeared to have arisen which it would be desirable to have at once removed. The hon. Gentleman had referred to the case of Mr. Rees, who had presented a petition to the House. He (the Attorney General) regretted that such a Petition should have been brought forward while the case was the subject of legal discussion. It had been heard before the Master of the Rolls, and was now awaiting decision. It was an unseemly thing to make the House the arena for the discussion of a case which was at the time *sub judice*. But there was another and most conclusive answer to the hon. Gentleman. In December, 1837, Mr. Rees, for his own advantage, thought fit to demise to a company the coal mines under his property; and in doing so he included mines belonging to the Crown, and which he knew belonged to the Crown, for in May 1837, he addressed the Commissioners of Woods and Forests, requesting them to grant him a lease of the property he afterwards took upon himself to demise. In that application he stated that he was owner of lands adjoining the seashore; that he was going to work a seam of coals, and that he was desirous of working also the seams under the sand and foreshores. He, therefore, asked whether the Crown had already granted a demise of its mines, and if not, whether the Crown would grant him the right to work the coals under the shores. At that time it was impossible to give Mr. Rees a positive answer, because the extent of the rights of the Crown — in other words, what was the line of high-water mark on this part of the coast—was unknown. In 1845 it was found that his lessees were working the coal in the Crown land; proceedings were then taken against him, but he was informed that the extent of the Crown property had been ascertained, and an offer was made, based on the admission by him of that which the Crown claimed, and which he was then distinctly told comprised so much of the sea beach as lay below the mesne high-water mark. The offer was not accepted, and it was the duty of the Commissioners to vindicate their right. The question was heard at considerable length before the Lord Chancellor, assisted by two of the Judges, and the principle laid down by them was in exact conformity with the rule which the Commissioners had previously adopted, and with the offer made by them. Mr. Rees, therefore, had no one to thank but himself. If he had accepted the offer of the Crown, he might have been in possession of a valuable property. But he had taken upon himself to deal with the question; he had failed; and he might thank his good fortune that the Act of Parliament, enabling the Crown to recover costs, was not retrospective, otherwise, in addition to being compelled to account for the property of the Crown which had been illegally taken by his lessee, he would have had to pay

the costs of the suit. The claim, therefore, ought not to have been brought before the House. It was a claim obstinately and ignorantly brought forward, after the Crown had recovered judgment against him.

MR. AUGUSTUS SMITH: In his petition Mr. Rees says, all that he granted was as far as the high-water mark. He did not grant anything below the high-water mark.

THE ATTORNEY GENERAL: The question was, what was the line of high-water mark. The shore in that part of the country was excessively flat, for he the (Attorney General) had been by the sea side; and the shore being exceedingly flat, it was, of course, a question of very great importance, what was the line of high-water mark. Mr. Rees contended that it was to be determined by the neap tide, whereas the Crown contended that the average of the ordinary tides throughout the year, that is, the average between the spring and the neap tides, should be the line. A very considerable extent of land, in some cases running even as far as a mile or a mile and a half, was the difference between the high-water mark claimed by one and the high-water mark claimed by the other side. Mr. Rees took upon himself to say that the line he had laid down was the right line, and he granted a lease accordingly; whereas it turned out that the line of high water was far higher up inland, and that therefore the minerals in the intervening space belonged to the Crown. Another case had just been alluded to, namely, the case of the Submarine Telegraph Company, but the facts had not been stated. In every case where a great public benefit was involved the Commissioners of Woods and Forests acted in a liberal spirit, and made the rights of the Crown, of which they were the trustees for the benefit of the public, subservient to the interests of the public. Accordingly the Submarine Telegraph Company obtained the use of the seashore for laying their wires. The question at issue really was whether a private individual was to take land, the rents and profits of which belong to the Consolidated Fund, and to appropriate it. He trusted that the House would be of opinion that the complaint was not only ill-timed but was utterly and absolutely unfounded. A great principle was involved in the Motion, for the House was asked to grant a Committee to "inquire into the rights of the Crown as connected with the foreshores, tidal rivers, estuaries, and bed of the sea round the coasts of the United Kingdom." Why was the House asked to examine the rights of the Crown? The rights of the Crown were as much a settled thing as the rights of the subject. The House would only inquire into any right of the Crown when there was any doubt or uncertainty about it, or when it intended to modify the enjoyment of that right. Did the hon. Member propose to do anything so unconstitutional as to alter the right of the Crown. That right was the foundation of private right, and the House would not make a private right the subject of inquiry. The other part of the Motion, the manner in which the Woods and Forests had discharged their duty, came, he admitted, within the scope of Parliamentary inquiry. The rights of the Crown had been placed under charge of the Commissioners, for the benefit of the public, during the life of the Sovereign, in consideration of the grant of the Civil List; and if any case were established which would show that they had discharged their trust in an improper manner, it would be the proper subject for a Parliamentary inquiry. But from the Reports before the House it was apparent that the Commissioners had been faithful public servants, and had been eminently successful in the attempts they had made to recover the property of the Crown for the benefit of the public. He held in his hand a Return which extended to the close of the year 1857, from which it appeared that during the twenty-seven years preceding that date, twenty-nine suits had been instituted on the part of the Crown to recover property—partly mineral—which belonged to the Crown. Of those twenty-nine suits twenty-two had terminated successfully or had been settled amicably. Three were now pending, two were discontinued, and in two suits only had there been adverse decisions. The value of the property recovered was about £190,000, and in consequence of their rights being established the Commissioners had been enabled to make other grants of land amounting to about £130,000, so that the public had been directly benefited by these suits to the extent of about £224,000, less £15,000 costs incurred. Some of those suits had been instituted at the instance of individual proprietors of land, who appealed to the Commissioners of Woods and Forests to decide the disputes arising on

estates bordering on the seashore. He trusted that the House would be of opinion that the Commissioners had been faithful stewards for the country. In every single case brought before the attention of the Commissioner they had consulted the law officers of the Crown, and had acted under their advice. The hon. Member had embarrassed his mind by the perusal of law books full of technical language, which he did not apparently comprehend, and was entirely mistaken in his view of the right of property in the foreshores, He had entered into a lengthened argument, which, if it led to anything, led to this: that all our great lawyers for the last three centuries were totally ignorant, totally uninformed, as to the title of the Crown to the foreshore and the beds of our navigable rivers and estuaries; and that what they called the property of the Crown was, in point of fact, the property of the landowners. A greater mistake could not be made. The seashore was always held to be vested in the Crown. It was a part of the landed property of the Crown, that had never been granted by the Crown; and whatever property was not granted by the Crown still remained in the Crown. The public at the same time had certain rights; they had a right, for instance, to embark and disembark on the shore, and they had a right to demand that it be left free for the general purposes of navigation; and accordingly it was not competent for the Crown to fence off any portion of the seashore to the general detriment of the public. Whatever was done in that way amounted to a public nuisance, which could be suppressed at once by an indictment or information at the suit of the Attorney General. But whatever might be taken from the seashore, or from underneath the shore, consistently with the full enjoyment on the part of the public of the rights he had described, remained as part of the property of the Crown. When a railway company or any other body of private individuals were desirous of obtaining a portion of the seashore for purposes of private speculation it was the duty of the trustees of the Crown to take care that the rights of the public were not infringed, and that the company paid for as much of the shore as they were allowed to take possession of. But when a portion of the seashore was wanted for any public work, for the general benefit of the country, and not for the profit of private speculators, it was incumbent on the Commissioners, and it was their invariable practice to grant the portion of the shore required for that purpose upon liberal terms. Over the seashore the Crown had, through the Admiralty, the rights of jurisdiction, but could only enjoy its right of property therein to an extent that did not interfere with the privileges of the public. From the earliest times that had been the principle of the law, and he did not think the House of Commons would now be disposed to alter it. The hon. Member appeared to retain a somewhat irritating recollection of the view he had expressed as Attorney General last Session. When attacks were made upon the conduct of the Commissioners, and the question was raised whether the property intrusted to their charge could be more usefully vested in any other body of men, it became both proper and desirable to contrast the conduct of the Commissioners with that of private individuals who had obtained leases of the foreshores. And he believed the opinion which the House would most readily express on this matter was that the Commissioners ought to abstain from granting leases of the foreshores to private individuals, who employed the rights of ownership in such a manner that if the Commissioners had done the same they would have been justly exposed to the observations of the hon. Member. It was for the purpose of instituting that contrast, and not of casting any personal reflections on the hon. Gentleman that he adverted to his being in the habit of claiming a right over the foreshores of the Scilly Isles.

MR. AUGUSTUS SMITH said, he expressly stated that the charges were not made in regard to the foreshore, but in regard to ground far above the high-water mark.

THE ATTORNEY GENERAL said, he was sorry if he had misrepresented the hon. Gentleman's claim. From his Bill of charges it appeared that if any person happened to drop an umbrella, or any trifling article, upon the sands between high and low-water mark, he would be charged 6*d.* or 1*s.* by the agent of the hon. Gentleman for the lodgment of the article. And the hon. Gentleman in his letters to the Board of Trade, when he was remonstrated with, insisted upon his right to do so. It was unfortunate, he thought, that the hon. Gentleman had not, before bringing forward his Motion,

been more accurately informed as to the rights of the Crown, and as to the suits which had redounded so greatly to the benefit of the public and the credit of the Commissioners. It was also to be regretted that he had thought fit to bring before the House what formed the subject of a pending suit. He thought the House would agree with him in thinking that the hon. Gentleman had no reason to complain either of the conduct of the Commissioners or of the law under which they acted.

SIR FRANCIS GOLDSMID said, that, having been counsel in a similar case, he did not think the Attorney General had quite fairly stated the claims of the Crown in the suit with Rees. Instead of claiming from the ordinary high-water mark, the Crown claimed from the ordinary high-water mark at spring tides. As usually happened in doubtful cases, each party claimed rather more than it was able to make good.

Question put.

House *divided:*—Ayes 117; Noes 134: Majority 17.

ROYAL PROCLAMATION (PIETY AND VIRTUE, &c.)—REPLY TO ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Viscount PROBY) *reported* Her Majesty's Answer to the Address as follows:

I have received your Address, praying that I will cause the Royal Proclamation for the encouragement of Piety and Virtue, and for the preventing and punishing of Vice, Profaneness, and Immorality, issued at the commencement of My reign, to be revised:

And I have given directions that the Proclamation shall be carefully considered, with a view to its revision.

BRITISH MUSEUM.

COMMITTEE MOVED FOR.

MR. GREGORY said, he rose to move for a Select Committee to inquire how far and in what way it may be deemed desirable to find increased space for the extension and arrangement of the various collections of the British Museum, and into the best means of rendering them available for the promotion of Science and Art. Last year he moved for the appointment of a similar Committee, which obtained the sanction both of the Government and of the House. He would, therefore, not recapitulate the statements he then made, as every argument for an inquiry which had force last year was of even more force at the present time in support of a similar proposition. It was well-known that, owing to the over-crowded state of the British Museum, many of the valuable collections which it contained were of no use whatever to the public. Professor Owen had stated that, owing to the want of space there were specimens of natural history which could not be exhibited; the keeper of the ornithological department had stated that the most valuable parts of the collection were completely hidden from the public, and that many of them were actually perishing. The magnificent collection of prints, purchased at great expense, were completely shut from the public view; the interesting collections from Carthage were hidden in the cellars in the packing cases in which they had arrived; and those from Budrum were stowed away in the unsightly conservatory in front of the Museum. Every single evil he had then alleged as existing, had, if possible, become aggravated: every addition had left the British Museum in a more hopeless state of congestion than it was before. He, therefore, thought it was absolutely necessary for the credit of the country that some remedy should be provided. For the purpose of illustrating the mischief that resulted from the present state of things, he could not give a better instance than the well-known fact that in many instances persons who would willingly contribute by gift or bequest collections of rare value and interest to the Museum, were deterred from doing so by the knowledge that justice would not be done to their munificence, and that their gift would not receive that consideration which it deserved. When he had brought forward this subject last year it was objected that his Motion, which was for the re-organization of the British Museum, was too extensive. Perhaps such was the case, and he had therefore modified the terms of his Motion this year, and it was now precisely the same as the one which had been then accepted by the late Government. The course which he proposed should be adopted by the Committee he asked for was, that an inquiry should first be made as to whether there should be a separation of the collections, and what that separation should be. If the Select Committee which he proposed

to be appointed were in favour of separation, then the opinion of the Committee should be pronounced on the point whether the separation involved the removal of the collections from the present site; and, should the Committee decide that there must be a removal, then they ought to inquire what would be the most proper place to receive the portion removed. The second portion of the inquiries of the Committee would have reference to the structural arrangements and alterations of the Museum; first, in the event of the collections remaining on their present site; and, secondly, in the event of removal. He thought it absolutely necessary to have an inquiry into this subject, because he found that there was the greatest difference of opinion between the persons connected with the British Museum and the trustees. He would state his reason for making this assertion. The trustees desired their architect, Mr. Smirke, to prepare a plan for the enlargement of the Museum. Mr. Smirke accordingly prepared a plan, which was presented to the late Government, without a single one of the heads of departments in the Museum being consulted upon the subject. Surely, if those gentlemen were fit for the offices they held they ought to have been consulted. They had not, however, been permitted to express an opinion upon it, and the consequence was that Mr. Hawkins, the head of the antiquarian department, presented a protest against the plan of Mr. Smirke, proving incontestably that it was founded on error, and contravening every position laid down by that gentleman. Professor Owen had also prepared a plan, which he sent to the trustees, embodying his notion of what would be the most advisable course to pursue; but the trustees, although it was at that time supposed that the Government were making every inquiry into the subject, had not even deemed it worth their while to send the report of Professor Owen to the Government. He wished, therefore, that witnesses should be examined with respect to the future structure and arrangements of the Museum. He would also like to have further information upon the subject of lectures. Since he last brought this question before the House, he had given much consideration to this part of the subject, and he confessed that it was surrounded by greater difficulties than he at first supposed could exist; but when he saw the great anxiety that existed on the part of every class to obtain information such as could be imparted through the medium of the specimens and books in the British Museum, when he considered the numbers that came from long distances to attend the geological lectures delivered at the institution in Jermyn Street, and when he considered the evidence given by Professor Owen before a Committee of that House to the effect that in not being a medium of instruction as well as of exhibition the British Museum was not performing the functions which the public had a right to demand it should discharge, he thought it would only be a proper deference to public opinion if the Committee should, at least, inquire whether the difficulties attending the establishment of lectures were insuperable, and what those difficulties were. Another point upon which he should like some further information was the law as it now stood. At present none of the specimens could be removed except by sale or exchange. He should like the opinion of scientific men to be taken upon the question whether it would not be advisable to draught specimens and books not required at the British Museum to district libraries and museums, where they would be most thankfully received and be of considerable value. He knew a strong feeling existed upon this subject, particularly at the east end of London, where there was a total absence of any such source of rational amusement. Duplicate books and specimens might thus be got rid of with advantage. Having thus foreshadowed the principal objects he sought to attain by the appointment of the Committee in question, he might add, that he did not hesitate to state his own opinion to be decidedly in favour of separation, but adverse to any removal of the collections. He believed that on the present site increased space might be found, and that it was infinitely better in every respect than the site to which it was the intention of Her Majesty's Government, as appeared perfectly clear from the printed papers, to remove the collections. A paper was presented to the House the other day, from which it appeared that Mr. Smirke was requested by the trustees to draw up a comparison of the expense attending fresh buildings at Brompton, and buildings close to the site of the Museum; and it appeared that the saving on the side of South Kensington was £212,500. He supposed that this must be the economical reason why the

Mr. Gregory

trustees resolved, by a majority of one, that the collections should be removed. The decisions of the trustees naturally had weight; but, in this instance, he did not regard their decision as entitled to weight, for out of the nine in favour of removal, six were Cabinet Ministers whipped up for the occasion, seldom attending on other occasions; and the majority of one was secured by the lucky arrival of Lord Granville. The decision in favour of the removal to Brompton was the opinion of trustees who rarely showed their faces at the Museum; and was at the same time entirely contrary to the feeling of the working staff of trustees, and did not therefore carry the slightest weight to his mind. Last year the Natural History sub-Committee of the trustees expressed themselves, in the interests of science, adverse to the change; and the memorial, signed by a large number of scientific men, protesting against the severance of the collections, ought to have made the Government pause before they decided on this course without any inquiry. In this document, after giving six reasons against the removal, the memorialists stated that if the removal was to any considerable distance from the present central site, it would be received with extreme disfavour by the mass of the inhabitants of the metropolis, especially when it was remembered that by far the larger number of visitors to the Museum frequented the halls containing the Natural History collection. They enlarged on the advantages which at present accrued from having collections of scientific objects ranged around a library illustrative of their contents; and a gentleman occupying a high position in the Museum recently mentioned to him an instance of the appreciation of this advantage shown by intelligent foreigners. The gentleman in question was congratulated by some French visitors on the superiority of the British Museum over foreign collections in this respect. "At the Jardin des Plantes," they said, "when we want information on any specimen, we have to run to the Bibliothèque Impériale; so at the Louvre, when inspecting the collection of antiquities; while here you have all your collections together." And when his informant declared that the Government were thinking of foregoing this advantage by the removal of the Natural History Collections his French friends could hardly believe that he was in earnest. The only reasons which could influence the Government in making the removal, must arise from motives of economy. But would it, in fact, be an economical transaction? In the first place the enormous expense, inconvenience, and risk which would attend the removal of these fragile collections to such a distance, must be considered. In the next place, it was to be remembered that, if they were established at Brompton, it would be necessary to have a library of Natural History there, and that the library, with the salaried staff which would be necessary, would cost a considerable sum. Then, again, although there might be a difference of £212,000 in favour of the Brompton site, a large sum must be paid down for the construction of the requisite Museum, whereas, on the present site, they need not purchase at once the whole extent of land required, but might take what they wanted when they thought proper, paying for it accordingly. Moreover, it was well to consider the unbounded ideas which unbounded space gave. It was but natural that the heads of departments should make large demands, but in his opinion it was not well to be encumbered with enormous collections. It was better to put a restriction upon the space to be filled, and to have a well-assorted collection of objects, rather than an immense extent of ground and an immense number of specimens, many of which might not be required. He did not think that the Government could undertake a more unpopular task than that of transferring these collections to a distant district. It was notorious that the Natural History collections were the most popular portions of the Museum, the obvious reasons being that persons in a humble position of life were able to understand the objects contained in them, and did not require the special education which an assemblage of Egyptian, Assyrian, and Roman antiquities demanded for their appreciation. Besides, there was a strong feeling abroad that a kind of filtration was going on towards Brompton, and a feeling, also, was gaining ground that some portion of the rivulet of public generosity should flow to the eastern as well as the western part of the Metropolis. On this point he had received a letter from a clergyman (the Rev. Mr. Hewlett), who referred to the East India Museum, the only one east of Temple-bar, and said that in ten months upwards of 200,000 persons had visited this Museum, which was only open two days a week, giving an average of 2,500 a day; and that during

this time no article had been damaged, and only one was missing. Mr. Hewlett complained that not a fragment of this Museum was to be left within the reach of these persons, and claimed for his parishioners a participation in the advantages which these collections afforded in other parts of the Metropolis. He (Mr. Gregory) hoped that the Government would acquiesce in the necessity of inquiry; that they would feel that the step proposed was contrary to the opinions of the working staff of trustees, to the opinions of the whole scientific world, as well as to public opinion; and he hoped by the appointment of the Committee, that effectual, though tardy justice, would be done to this magnificent national collection. He begged to move that a Select Committee be appointed to inquire how far, and in what way, it may be desirable to find increased space for the extension and arrangement of the various collections of the British Museum, and into the best means of rendering them available for the promotion of science and art.

Mr. KINNAIRD said, that, having served on the Public Institutions Committee, it seemed to him that there was sufficient evidence to show the necessity of the inquiry now asked for. There would be many and grave objections to the removal of the collections from the Museum, which ought, at least, to be fully considered. But the greatest anxiety had been expressed that the duplicates now lying there, which could not be lent under the present regulations, should be made available for the use of district museums in the east and in other parts of the Metropolis. The Committee had also unanimously reported in favour of the experiment of lighting up in the evening a part of the Museum—especially the lower portion. This would be very feasible, and not very expensive, and it would place within the reach of the working classes the same means of innocent recreation which they now enjoyed at Kensington. And as lectures had been found to be very popular even at the Museum in Jermyn Street, where payment was required, he hoped the right hon. Gentleman would consider that it would be useful to adopt the suggestion of the hon. Member for Galway upon that point.

Sir GEORGE LEWIS said, he did not rise to object to the Motion of the hon. Gentleman, which was agreed to last Session, but which was prevented from leading to an actual inquiry by the premature dissolution of Parliament. He, however, differed from the hon. Gentleman in the conclusions, to which it appeared from his remarks that he desired to lead the decision of the Committee. The hon. Gentleman had attempted to draw a distinction between a separation of the collections of the Museum and the removal of a portion of them. He (Sir G. Lewis) could not understand what was meant by a separation of a collection, unless a portion was to be removed. If the existing Museum was to be enlarged—if a large purchase of land was made in the immediate vicinity of the Museum, and a new building erected contiguous to the old one, it was a mere play upon words to call that a separation. Of course, a fresh distribution of the collections might be made in that enlarged space, but it would not be what was generally understood as a separation of the collections, which implied a removal to another place. After having attended many meetings and committees of the trustees, and given the matter full consideration, he entertained a strong conviction that it would be greatly to the advantage of the management of the Museum that a removal of a portion of the collection should take place. It was also his conviction that a large addition to the site of the Museum could not take place except at such an expenditure as the House was not likely to sanction. This, therefore, very much resolved itself into a question of expenditure. If the British Museum were maintained by endowments of its own, if it had revenues such as some of the hospitals had, arising out of land and other sources, it would be reasonable that the opinions of the family trustees and of some of the elected trustees should be almost exclusively looked at, but it was not so in a case where the public purse supplied the funds. He must differ from the hon. Member when he asserted that the Members of the Government, who were trustees, never attended the meetings of the trustees. He (Sir G. Lewis) had attended many meetings, and so had other Members of the Government, and he maintained that, as the British Museum was supported by grants of public money, the Members of the Government were entitled to a very full hearing upon a question relating to future expenditure for an enlargement or improvement of the Museum. It was simply an appeal to vulgar prejudice to say that the Members of the Government

did not discharge their duty in seeking to inform themselves on questions of this sort, and in attending the meetings of the trustees to give their votes on questions of this kind involving a great prospective expenditure of the public money. He could not, therefore, by any means submit to the censure of the hon. Gentleman against the Members of the Government who attended on the occasion referred to. He was not present at that meeting himself, but if he had been he would undoubtedly have given his vote with the majority. He wished to express his opinion, founded on inquiry, that it was not expedient for the interest of the management of the British Museum that an attempt should be made to purchase land in the immediate neighbourhood, but rather that a portion of the collection should be removed. He would say nothing as to the site to which that removal should take place. The hon. Gentleman, it appeared, thought that Kensington was too far to the west of London. If a more eligible site could be found in the eastern or northern portions of the metropolis, the hon. Gentleman had only to indicate it and it would be fairly considered. But wherever that site might be, he felt satisfied that it would be acquired at much less cost than would attend the purchase of land in the immediate neighbourhood of the Museum. He thought too, that the hon. Gentleman had somewhat exaggerated the danger attendant on the removal of some of the collections. It had been suggested that an additional story should be placed on the existing building which would render an enlargement of the site unnecessary, but on an examination of the plans great difficulties were discovered. All the collections in the top floors would have to be removed to other parts of the Museum, and that would necessitate the closing of the whole of the collections for several years. On the whole, therefore, although the trustees were favourably disposed towards the plan, it was considered that it would be impracticable. The hon. Gentleman adverted to the question of duplicates. He had proposed that duplicates should be removed from the British Museum to district museums to be established in different parts of the country. That also was a question which resolved itself into one of additional expenditure. If that House chose to found a number of district museums, and send the spare specimens in the British Museum to them, it was of course open for them to do so; but it would necessarily involve a considerable expenditure of public money. He thought the House would be mistaken if they supposed they would derive any great advantage from the duplicates of the British Museum. He did not believe from what he had heard that there were any number of duplicates in the natural history collection. With regard to the books, it was his belief that the custom had been to sell what were, strictly speaking, duplicates, of which there was not a great number, except when the King's collection was added to the Museum. No doubt what ordinary persons would call duplicates were not so called at the British Museum. If a person had ten copies of Shakspeare or Milton in his library he would call them duplicates; but the British Museum did not consider copies of our classical authors of different dates as duplicates. It was well known that an old copy of Shakspeare was the most valuable of the whole, and nobody would think of selling that. If, therefore, district museums were founded they would have to be provided both in the natural history collections and in books by fresh purchases. With regard to the question of lectures, that also was a question which resolved itself into one of expense, and he was not aware of any institution like the British Museum, either in this country or abroad, at which lectures were regularly delivered—so as to render it a place of education as well as a place of exhibition. If the House wished to engraft on the Museum an institution for lecturing it would be necessary to build lecture-rooms and employ persons competent to deliver lectures, in addition to those already employed. No doubt, gratuitous lectures, assisted by a fine collection, would be attractive and beneficial, but it was a question of expenditure. It would be a system of endowed education, and he was not at all blind to the advantages it would confer, but he said again, it was a question of expense. As far as his own personal tastes were concerned, he thought such expenditure should be incurred, but he was bound at the same time to have regard to the state of the public revenue and expenditure, and he would remind them that they already voted £1,000,000 annually for science and art, in addition to the expenditure on the British Museum, an amount that would have to be largely increased. With these remarks he should offer no objection to the Motion.

Mr. TURNER said, the right hon.

Gentleman the Home Secretary had properly observed that this was in a great measure a question of expense. It was just on that ground that he (Mr. Turner) took a different view of the matter from the right hon. Gentleman. On the 21st of January last, at a meeting of the trustees of the Museum, a resolution was passed by a majority of one that it was expedient that the natural history collection should be removed, inasmuch as that removal would cost considerably less than by enlarging the Museum by erecting buildings in immediate contiguity with it. He found it had been calculated that the cost of 5½ acres of ground surrounding the Museum, and of the necessary additional buildings, would be £807,000; and that if ground to a similar extent were purchased at Kensington, the expense, with the requisite erections, would amount to £594,000. Now, he submitted that the House and the country were not by any means prepared to incur either the one expense or the other. Though they might commence with the idea of expending nearly £600,000 at Kensington, he believed the cost of removing the collection of objects and of making all the necessary arrangements consequent on such a change would exceed that sum enormously. He had a tolerably practical knowledge of the working of the Museum from the great interest he took in the institution, and he had ascertained that the cost of the removal alone of the natural history collection could not be estimated below £20,000. The transfer of the fittings containing the specimens, and which were in a measure part of the building itself, could only be effected by enormous additional expense. He believed £30,000 more for that item alone would be a moderate estimate. Then there would be the interval, lasting perhaps for a couple of years, in which the necessary changes were being made, and in which the Museum would be closed to the public. There was the danger, besides, of removing such a vast number of delicate objects, a great many of which were perfectly unique, and injury sustained in those cases would be irreparable. He had been looking to the question of expense, as well as the Home Secretary, and he believed that all that was necessary could be accomplished by purchasing one row of houses on the south-east of Montague Place, the expense of which would not be very great; and on the site so obtained a building could be erected, on the ground floor of which all the heavier articles of antiquity could be placed, while the minor articles in that department might be accommodated in a story above. He believed the idea that immense additional space was required for the natural history collection was an exaggerated one. The larger and bulkier subjects in that department were already represented. That department presented great attractions to the working classes; and, being there, those classes before leaving the Museum were gratified by the sight of other objects, by which their tastes were expanded and elevated. But, separate the collections, and the good resulting in that sense from retaining the Museum in its present neighbourhood would be to a certain extent defeated. Talking of natural history, the governing body was almost fossilizing the superior officers of the Museum by starving them. He was ashamed to think on his visits to the Museum that men of such promise and attainments as the assistants were so miserably remunerated. He was gratified that the Government had conceded the Committee, believing, as he did, that its tendency would be beneficial, and that the result would be to retain the Museum on its present site, without any very great cost to the country.

COLONEL SYKES said, he held it to be the duty of a great country to offer facilities for mental culture to the public at large. The cost might be considerable; but so it ought to be, seeing that the object was to elevate and refine the minds of the community in general. Museums ought always to be planted in the centres of great populations, where they could be most easily accessible to the largest numbers. The British Museum was so situated, and he submitted that if the natural history branch was to be located in one part of the metropolis, the library in another, and the antiquities in a third, the usefulness of the institution to the public would be sensibly impaired. Again, he thought that Museums should be open at night, in order to be available to the labouring classes, who could not go to them by day, and he hoped the Committee would recommend that course. The right hon. Gentleman had said that he never heard of lectures given at museums, but they were constantly given at Kensington, and, he understood, were well attended. It was of great importance to have museums in the midst of dense populations. The East India House Museum was in the midst of a

large population, and had been attended during the last two years by 200,000 persons. That museum was perfectly unique, being, in fact, a type of all India in its manufacturing, social, ethnological, and physical features, and comprising specimens of all its raw produce; but he regretted to say that it was being broken up, waggon-loads of the natural history departments having been removed to the British Museum, he feared to be buried in its cellars from want of space. He believed that to break up the natural history department of the British Museum would be very injurious, and he hoped that project would not be carried out.

Viscount PALMERSTON: Sir, I agree with those who have said that this is entirely a question of expense. It turns on that alone, and its being a question of expense sufficiently accounts for that difference of opinion which my hon. Friend who introduced the subject criticised as having taken place at the meeting of the trustees to which he referred. Though an official trustee I am not able very frequently to attend the meetings of the trustees; but, understanding that a matter of importance was likely to come on, I thought it my duty to attend on the occasion referred to, not only on behalf of the Government but of the public. And when my hon. Friend draws a contrast between the opinions of the working members of the trust and those who are members of the Government, I wish him to bear in mind this distinction, that the working trustees have no interests to consider except those of the Museum, and what will best accomplish the purposes for which the Museum is established, while the Members of the Government are responsible to this House and the country for any measures that may involve a large expenditure; and we should have been forgetful of our duty if, knowing that a question was likely to be discussed involving great additional expense to the public, we had not attended for the purpose of hearing what arguments might be brought forward, and stating our opinion why such expenses could not properly be incurred. I agree with the hon. Member, that if the question simply were, will you maintain in the present Museum everything that is there congregated, and add to it on the spot all the additions that from time to time are collected, and if that can be done without any expense to the public, it would be preferable to continue the collection and all the additions that may be made on the spot where they now are. No one would propose unnecessarily to subdivide and remove the collection or any part of it to another place. But we were informed that the building as now constituted does not adequately hold the collections on the spot, and therefore will not be sufficient to hold these that from time to time may be added. In point of fact there are various portions of valuable collections sent to the Museum that are stowed away where they are not accessible to those who wish to see them. Then the question arises, if you are to remove some portions of the collection, what portions ought, and what portions ought not to be removed. At the meeting I attended, we came to the conclusion that the books and the antiquities formed that portion of the collection that ought not to be removed. It then followed, as a matter of course, that the portion to be removed must be the natural history collection. The next question was, how can additional space be best obtained. Could it be obtained in immediate contiguity to the present building no doubt that would be better than securing it in some more distant locality. On that occasion we had calculations before us to prove that the difference of expense between getting that space which was assumed to be necessary in immediate contiguity to the present building, and obtaining a site in the suburbs would be upwards of £200,000. Now, no person at all responsible for the expenditure of the public money could hesitate in giving an opinion adverse to an arrangement that would involve an unnecessary expenditure of £200,000. I have no objections to the appointment of the Committee now asked for. I think, on the contrary, that it will be a useful Committee; and if it will show that adequate space can be obtained for the extension of the collection at the Museum, and for accommodating those collections that are not now seen, at a less expense, in the neighbourhood of the Museum than elsewhere, the question will receive due consideration from the House when their Report is made. I cannot think, however, considering that the ground in immediate contiguity to the Museum is covered with large houses, and must be very valuable property, that any given space in that quarter can be as cheaply purchased as the same space elsewhere where the ground is not covered with houses, and, consequently, not so valuable. As to the calculation made by the hon. Member for Manchester

(Mr. Turner) that a building at Brompton suitable to the purpose required would cost £590,000, that goes upon the assumption of a building of a very expensive character being erected on the spot. Such a building need not be taken as an absolute necessity, and I do not see that it will be required. A building may be erected there for the reception of the smaller and lighter articles which need not be so expensive. No doubt, it is for the House to consider whether an expense of the magnitude pointed out by the hon. Member ought to be incurred. So also, if Parliament is willing that the crowded state of the Museum shall continue, and that a great portion of the valuable articles shall remain where no one can see them, that is open for them to determine. With regard to the application of these collections at the Museum to purposes of general instruction, I am much inclined to agree with my hon. Friend who made the Motion, that if it could be shown that arrangements could be made, without expense to the public, by which those collections might be made the foundation for instructive lectures, that would be a most desirable object. How far that is possible I cannot say. The observation of my right hon. Friend the Home Secretary should not be lost sight of, that those persons who are now charged with the care of those things, and have to show them to the public, can hardly be expected to become instructors by giving lectures. Moreover, you cannot get lectures with any advantage unless you have rooms in which the people can be accommodated. That, however, is a proper subject for inquiry by the Committee. I hope the Committee will go into this inquiry with a proper sense of the duty incumbent on them not to recommend any unnecessary expenditure of money, and I am at the same time convinced that if they recommend any such unnecessary expenditure it is not very likely that the House will adopt their suggestions.

Mr. JACKSON said, that whilst advocating the maintenance of the Museum as a great national establishment, he strongly objected to any of the expense now contemplated being thrown upon the country generally. He concurred in the opinion that the officers of the Museum were badly paid for their services. He thought it was a disgrace to the country that they should be so badly remunerated, and he hoped that they would be better paid for the future. He did not, however, think he was called on to vote away the money of his constituents in buildings to adorn the City of London. By a small rate, under Mr. Ewart's Act, they maintained an institution of a cognate kind, and the metropolis by a small rate was quite able to pay the expense of any enlargement of the British Museum.

The CHANCELLOR of the EXCHEQUER said, he could only say, in answer to the remarks of the hon. Member for Manchester (Mr. Turner) in respect to the payment of the officers of the Museum, that he was unwilling that it should go forth uncontradicted that those persons were paid in a manner that constituted a grievance and a hardship. He differed altogether from that doctrine; and was prepared to dispute, point by point, and inch by inch, the proposition laid down by the hon. Gentleman. He contended that, considering the duties they performed, that the persons alluded to were as well paid as any other class of public servants similarly employed. If that doctrine of the hon. Member for Manchester were to prevail, and a great and sweeping increase in the salaries of these officers were made, he warned the House that the increase must be extended to a multitude of other departments, whose claims were quite as good. He did not hesitate to say that the offices in the Museum were exceedingly agreeable in kind, and the duties to be performed exceedingly moderate in amount. Those points were always taken into consideration in determining the question of supply and demand of this description of labour. In reference to the observations of the hon. Member for Newcastle-under-Lyne (Mr. Jackson), if that hon. Gentleman could ensure that none of those charges would be paid out of the Consolidated Fund, he (the Chancellor of the Exchequer) should be most willing to leave the question of the salaries of the officers alluded to, to be settled between themselves and the ratepayers. And he thought he knew pretty well how bodies of ratepayers would settle that question. But the upshot would be, that half the hon. Gentleman's scheme would be adopted, and the other half would fall to the ground. The increase of the salaries would take effect; but the proposal to pay the salaries by local expenditure would fall to the ground.

Motion *agreed to.*

Select Committee *appointed,*

"To inquire how far, and in what way, it may be desirable to find increased space for the exten-

sion and arrangement of the various collections of the British Museum, and the best means of rendering them available for the promotion of Science and Art."

INNKEEPERS LIABILITY BILL.

LEAVE.—FIRST READING.

Colonel SMYTH, in moving for leave to bring in a Bill to limit the liability of innkeepers, said, that the statute law which now regulated the liability of innkeepers dated from the reign of Queen Elizabeth. By an Act passed in the reign of Queen Elizabeth, an innkeeper was rendered liable for the goods of his guests *infra hospitium*, but not in the field or adjacent premises. By the common law innkeepers were bound to receive any guest who presented himself, and if they refused accommodation they were liable to an action and indictment. This enactment had borne heavily on innkeepers who had severely suffered from its provisions. In former days, when travelling was more tedious and disagreeable, when the roads were frequently infested with highwaymen and robbers, too often acting in concert with innkeepers, travellers were proportionately few, the dangers of the road were great, and the liability of innkeepers was only reasonable. But at the present day, when an innkeeper's house was filled night after night and for hours in the day with fresh guests, all strangers to him, it was not, he thought too much to ask that an innkeeper should only be responsible for goods above a certain value, which were actually placed in his charge. His attention was drawn to this subject by a trial at the assizes in the north of England, consequent upon a robbery committed at one of the inns in York. A considerable amount of property was taken from the bedroom of a traveller by a person supposed to have been concealed under his bed. The suspected thief escaped early in the morning, and was apprehended some weeks afterwards, but was not indicted for the robbery, as the evidence did not make a conviction probable. The owner of the lost property, however, brought his action against the innkeeper for restitution. The defence set up was that the innkeeper was not liable so long as the owner had personal control over his property. The law was, however, differently, and doubtless correctly, laid down by the learned Judge who tried the case, affirming the liability of the innkeeper, who had to pay a sum of £200, besides the value of the lost property—about £500 or £600. It appeared to him that an innkeeper should only be liable for goods exceeding a certain value actually placed in his custody or delivered to his charge. This limitation of liability was recognized in almost every other business. Common carriers by the 11th of George IV., and the 1st of William IV., obtained exemption from unlimited liability. Railway companies had obtained a similar exemption, and it must be borne in mind that such limitation did not supersede, but confined within certain limits, the common law liability. He now sought to apply that principle to innkeepers. He proposed to make them liable, as at present, for goods up to a certain value, say £40. So far the present law would be unaltered; but he proposed that the value of goods above that amount should be declared to the innkeeper, and, if necessary, deposited with him for safe custody, in order to make him liable for any loss. Such a system worked well at the railway stations, where luggage was deposited in a safe place, and a ticket given for it during the absence of the owner. Some such arrangement was quite practicable at inns or hotels, and would be advantageous both to the traveller and innkeeper. The traveller would obtain safe custody for his property, and the innkeeper would be relieved from liability beyond a certain amount unless he had actually charge of the property. He had added a clause giving summary jurisdiction to a magistrate in cases where meat, drink, or lodgings had been obtained without the means or intention of paying for them. This fraud could now only be punished by indictment, and was a serious hardship upon innkeepers. He, however, attached the greater importance to the other portion of the Bill, by which he hoped to secure to the traveller the safe custody of his goods, and to the innkeeper partial relief from his present liability. He would conclude, therefore, by moving for leave to bring in a Bill to amend the law respecting innkeepers and to prevent certain frauds upon them.

Leave given.

Bill to amend the Law respecting the liability of Innkeepers, and to prevent certain frauds upon them *ordered* to be brought in by Colonel Smyth, Mr. Roebuck, and Mr. Edward Egerton.

Bill *presented*, and read 1°.

DOCKYARDS.

COMMISSION MOVED FOR.

Mr. JACKSON, in rising to move for a Royal Commission to inquire into the man-

agement of the dockyards, said it would be in the recollection of the House that in the early part of last Session the noble Lord (Lord C. Paget) had, in a speech of great ability, in the course of which he stated that in his opinion a considerable sum might be saved annually in the expenditure of the Royal dockyards, intimated his intention of moving for a Committee on this subject. But a change in the Government took place, and the very evening on which the noble Lord was to have brought on his Motion found him seated upon the Treasury Bench as Secretary to the Admiralty. He put a question to the noble Lord whether he intended to ask for a Committee as he had proposed. The noble Lord replied that Her Majesty's Government would endeavour to carry on the important business of the shipbuilding Department with due regard to economy, but that he was not prepared to move for the Committee. Not being satisfied with that reply, he gave notice that he should on an early day move for a Committee of Inquiry, but he had no opportunity of bringing on his Motion last Session. He had now determined to ask, not for a Select Committee, but for a Royal Commission. He had sat up stairs for three Sessions on a Committee for inquiring into the Weedon frauds, but it was found that a Royal Commission was necessary to examine the books and witnesses with any prospect of success. He now felt satisfied after this experience, that no efficient inquiry could be made into the dockyard system except by parties upon the spot. If a Committee of that House sat for five years they would never get at the truth, as would be done by a Royal Commission empowered to examine parties upon the spot. It was with surprise he had heard the noble Lord the Member for Sandwich (Lord C. Paget) charged with having, when he brought forward his Motion with regard to dockyard expenditure, spoken against Sir Baldwin Walker. The noble Lord never uttered a word against the gallant Baronet, than whom there was not a more meritorious officer in Her Majesty's service. He wished it to be clearly understood that in asking the House to adopt his Motion he had no intention of attacking any individual connected with the dockyards. He did not complain of the men but of the system. No one could read the Report of the Committee appointed by the late Government to inquire into dockyard economy, and the 3,800 questions which the Members addressed to witnesses, with the answers obtained, without being satisfied that the system was exceedingly defective, and that the work was done in a very imperfect and unbusiness-like manner. That was the conclusion he had himself arrived at, not only from what he had heard, but from what had come under his own observation. He was convinced that a thorough inquiry into the system was essential to its reformation, and he believed the country would not be satisfied unless it took place without delay. The great difference in the cost of shipwrights' labour in building ships in various yards was notorious. In some cases it was £2, in others £4 and £6 per ton; and there was also a great difference in the number of workmen employed and the proportion of officers appointed to superintend them. If any private person were to conduct his business after the fashion of the dockyards, he would soon find himself in difficulties. It was stated in the Report of the Committee that when the First Lord and the Secretary of the Admiralty went down to the yards, the amount of time lost in assembling the men for inspection cost the country no less than £1,800 per visit. In one place, he was informed, that there was one officer to every ten men; in another two officers to every ten men. The men who were employed to measure the timber received a profit in proportion to the quantity consumed by the workmen; and as there was no check upon their measurements, the temptation to which they were exposed was obvious. Captains and admirals in want of places were appointed superintendents in the dockyards; but generally they had no sooner learnt to discharge the duties of their respective offices than they received promotion and were removed. All the experience they had acquired was thus lost to the country; and new men were appointed to learn the duties. The sooner this mode of conducting the business of the dockyards was looked into and improved the better for the country. A late Member of the House, Mr. Morrison, used to say that whatever talent might cost, he would have it; and Mr. Morrison died an uncommonly wealthy man. It appeared to him (Mr. Jackson) that the country might act with advantage on the same principle. The Government, he felt bound to say, had from the first expressed their desire to meet his wishes in regard to this inquiry, and had consented to the appoint-

ment of a Royal Commission, to consist of five Members. Two of the Members who would be appointed were sound practical men, one was connected with the navy, and all five were competent men. He was confident the inquiry would be efficiently conducted. As he understood there was no opposition to his Motion, he would not longer detain the House. He begged to move that an humble Address be presented to Her Majesty, praying that she will be graciously pleased to issue a Royal Commission to inquire into the system of control and management of Her Majesty's dockyards, the purchase of materials and stores, the cost of building, repairing, altering, fitting, and refitting Her Majesty's ships.

Motion made, and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the system of control and management of Her Majesty's Dockyards, the purchase of materials and stores, the cost of building, repairing, altering, fitting and refitting Her Majesty's Ships."

Mr. KINNAIRD seconded the Motion.

Mr. CORRY said, that as the Government were not about to oppose it he should not make many observations on the Motion. He trusted, however, that the hon. Member who had brought it forward did not mean it to imply any want of confidence in the Committee of Inquiry into Dockyard Economy appointed by the late Government. [Mr. Jackson: Certainly not.] He was glad to hear that denial, as he thought that their Report embraced almost every feature of dockyard economy, and contained many valuable suggestions which he should be glad to see adopted by the present Board. The hon. Gentleman had referred to the practical ability and experience of the five gentlemen who were to constitute his Commission; but he (Mr. Corry) doubted whether they could possibly excel the five who composed the late Committee. The chairmanship of that Committee was offered to Admiral Smart, a gallant officer, who was extremely conversant with the steam navy. Another gentleman on it was Mr. Chatfield, a most distinguished member of the School of Naval Architects. Next came Mr. Laws, the storekeeper at Chatham Dockyard, who had been employed in the dockyards for upwards of forty years. Then there was Mr. Andrew Murray, the chief engineer at Portsmouth, who had formerly been in the service of Mr. Fairbairn, of Manchester. He (Mr. Corry) had not been able to obtain the services of any private builder, but the hon. Member for Sunderland (Mr. W. S. Lindsay) had recommended him a gentleman—Mr. Bowman, an experienced civil engineer and shipbuilder, who had been employed by the hon. Gentleman himself. Altogether, the Committee was such that, however well the Commission might be constituted, it could hardly be better qualified. He believed considerable misapprehension prevailed as to the difference in the cost of building ships in the Royal and private yards. The prices in the dockyards were no doubt higher than those charged in other yards; but he thought in making the comparison due regard was not paid to this fact that the scantling used in the naval dockyards was much larger; that the material generally was of a larger description, and also the work turned out was of a better and more durable character. It was with surprise and regret that he heard the noble Secretary of the Admiralty the other night repeat the assertion which he made last year, that £5,000,000 of the dockyard expenditure could not be accounted for. That statement had been distinctly disproved by a paper which had been laid on the table of the House from the Surveyor of the Navy. A calculation had likewise been entered into last year by his noble Friend the Secretary to the Admiralty, from which it appeared that the quantity which could be built by one shipwright in the course of the year was eight tons. Estimating the cost of labour at only £2 12*s.* a ton, it would be found that the wages of shipwrights at this rate would be little more than £20 a year; whereas they knew that their actual earnings were nearly three time that amount. This would go far to account for the difference referred to. So far from private dockyards being able to build cheaper than those which belonged to Government, Mr. White of Cowes, on being applied to before the commencement of the operations in China to construct two vessels, refused to do so unless an advance of 12½ per cent were made upon the Admiralty price. He had been always of opinion that the subject of dockyard expenditure was deserving of inquiry, and it was partly at his suggestion that the Committee was last year appointed; but he confessed, judging from the result of their labours, he did not entertain any very sanguine expectations as to the results which would follow from the Royal Commission at present moved for.

MR. BENTINCK said, his hon. Friend (Mr. Jackson) did not appear to have hit the nail so completely on the head as he usually did, for he had confessed that a Committee would not answer his purpose—indeed, he was inclined to think that Committees of the House of Commons in nineteen cases out of twenty answered no purpose beyond that of wasting time; and he believed a Royal Commission would still less accomplish the objects which the hon. Member had in view. He had fallen into the common mistake of endeavouring to deal with the effect without ascertaining the cause; he had made no attempt to improve or even to investigate the system which he complained of. The subjects of his hon. Friend's inquiries ought to be referred to a properly constituted Board of Admiralty and not a Royal Commission. Assuming that all the grievances complained of did in reality exist, and some of them no doubt did exist, the only way in which they could be effectually removed was by the action of a properly constituted Board of Admiralty. Reference had been made in Committee of Supply to the cost of building ships in the dockyards, as compared with the cost of building them in the yards of private builders. He himself believed that numerous faults existed and that extravagant expenditure took place in the dockyards; but, as far as he was able to see, the fault did not lie in the cost of building. At any rate he doubted whether that cost was so great as had been represented by his hon. Friend the Member for Sunderland (Mr. Lindsay). He thought his hon. Friend had been misinformed on the subject; but, as his right hon. Friend (Mr. Corry) had observed, when comparisons were being made, the heavier scantling and the better work in the dockyards ought to be taken into account. Since the House had last been engaged in discussing the Naval Estimates he met accidentally a gentleman whose name was well known, not merely to the Admiralty, but to every one who had taken an interest in naval subjects—Mr. J. White, of Cowes. Some conversation had passed with reference to the former debate, and Mr. White had been good enough to write him a letter, bearing directly on the subject of comparative expenditure in dockyards, in which he expressed his firm conviction that in the item of labour, under proper supervision, there could not be much difference between the Royal dockyards and merchant establishments. The class of vessels built in each was totally different—not that private builders were unable to produce efficient men-of-war—but if the stimulus of competition were laid aside, very different estimates would be sent to the Admiralty, as well as to merchant shipowners. With regard to the allegation that £2 8*s.* per ton for labour was the ordinary cost of vessels fitted for sea, Mr. White answered this by stating that on the despatch gun-vessels and corvettes built by his firm for Her Majesty's navy during the last six years the amount actually paid for shipwrights' work was £3 19*s.* a ton, and for sawyers, caulkers, joiners, &c., £2 13*s.* 6*d.* a ton, making a total for labour of £6 12*s.* 6*d.* per ton. The gun-boats just completed for Her Majesty's service had been constructed at the more moderate outlay of £4 0*s.* 6*d.* per ton; and Mr. White did not believe it possible that they could be built for the lower sum stated by the hon. Member (Mr. Jackson), or that any practical shipbuilder would bear out his views. The writer expressed his opinion that, with due attention to "conversion," men-of-war could be as cheaply constructed in Her Majesty's building-yards as in any private establishment, and concluded by bearing testimony to the zeal and integrity of the inspectors with whom he had been brought officially into contact. This statement, from a most reliable authority, the House would perceive, bore directly on the point to which he presumed the inquiries of the Commission were to be directed; and he did not believe that they were likely to receive more trustworthy or practical testimony. [Mr. JACKSON: It is no authority to me.] Mr. White was a gentleman who had built ships largely for all kinds of service; he had no object but to afford the most reliable information, and he did not think the hon. Member would find many persons to agree with him in the manner in which he had rejected that authority. Mr. White further believed that a certain amount of waste took place in the process of converting ships, on which the same amount would not be expended if the money were drawn from the pocket of a private individual. This was easily intelligible, and he had no doubt some control over the department of the works might advantageously be established, though he did not believe that a Royal Commission was the most suitable machinery for the purpose. For that and other abuses he had all along been of opinion that the only remedy

Mr. Corry

would be a properly constituted Board of Admiralty. By the present system the controlling power was vested in the hands of men who were only beginning to acquire a knowledge of their business, when at the end of two or three years they were turned out to make room for others equally ignorant as they had been, while the subordinates did practically what they pleased, knowing that they were subject to no responsibility. All attempts to go to the root of the evil would be ineffectual till a Board was appointed which should no longer be subject to the caprices of fortune that befell Administrations, but should be composed of men practically conversant with the duties which they were about to undertake, and above all, with a man at their head of character, professional knowledge, and established ability, whose responsible position should be the best voucher to the country for the conduct of those establishments. Entertaining those views, he should have embodied them in the form of an Amendment to the Motion, but it had been suggested to him that a Royal Commission was not a tribunal of such a character as could most fittingly deal with the reconstruction of the Board of Admiralty.

MR. LINDSAY said, that the hon. Member who had just sat down was continually finding fault with the Board of Admiralty. He (Mr. Lindsay), however, thought that any hon. Gentleman, before he condemned the system, was bound to state that he was prepared to propose a better. But he could not call to his recollection that the hon. Gentleman had ever stated what he would propose as a substitute for the present Board of Admiralty. He supposed the hon. Member wished that the Lords of the Admiralty should not go out of office with every change in the Administration. [Mr. BENTINCK: Hear, hear!] Then we should have all the evils attendant on life appointments; and it was a question whether those evils would not be greater than the present system of appointing fresh Lords on each change in the Administration. He inferred also that the hon. Gentleman was of opinion that the First Lord should be a naval officer. [Mr. BENTINCK: Hear, hear!] He would offer no objection to this. He thought it would be desirable that the First Lord should possess a considerable amount of nautical knowledge. But it should be remembered that the duties of the First Lord were not confined to the construction of ships and checking the expenditure of the dockyards. He ought to be, in every sense of the word, a statesman able to give an opinion at any moment on the various questions of domestic and foreign policy brought under the notice of the Cabinet. Persons combining these different qualifications were rarely to be met; but if such a man could be found amongst seamen he would be preferable as First Lord of the Admiralty to a landsman, although he must say that those landsmen who had filled the office since he had had the honour of a seat in that House, had done so with considerable ability. He wished to say a few words in reference to an erroneous impression that had got abroad in regard to a statement he had made the other night as to the ships built in Her Majesty's dockyards. He was of opinion that they could be built for less. And what he stated to the House was, that the Committee appointed by the Admiralty, after twelve months' inquiry, deliberately reported that the cost of building ships in Her Majesty's dockyards far exceeded what the cost of building would have been in private yards; and he did not find that this charge was met by the counter-report of Sir Baldwin Walker and other officers, who had reported on the subject. The statement, therefore, was not his. It was the statement of five gentlemen appointed by the Admiralty to inquire into the condition of the dockyards. If a Royal Commission should be appointed he hoped they would go to their work in earnest, and not shelve the question, as had been done before where Committees had been appointed. There was a feeling prevailing in the House, growing in the country and spreading every day, that the public were not getting value for their money in Her Majesty's dockyards. If this Commission was to be appointed, he trusted that there would be some clear and definite points laid down for inquiry. The Committee to which he had referred had made grave charges. The naval authorities, with Sir Baldwin Walker at their head, had made counter-statements, and he trusted that the first thing the Commission would do would be to give the charges and the counter-statements a full consideration, and satisfy themselves whether it was a fact or not that the cost of labour in Her Majesty's dockyards was a great deal more than it was in private dockyards, and whether or not it was the fact that the cost of labour in one of Her Majesty's dock-

yards far exceeded the cost of labour in another dockyard. Having done so, he hoped they would look into the nature of the evidence by which such differences were established. His noble Friend (Lord C. Paget) when out of office stated that there was a sum of £5,000,000, the expenditure of which it was impossible to trace by the accounts laid on the table of this House. He was very desirous, therefore, that the hon. Gentleman who moved for the Royal Commission would, with the permission of the House, consent to add to his Motion the words, "And the best mode of keeping the accounts thereof," that was, the accounts of Her Majesty's dockyards, so that they might have every year a specific account—he did not mean a detailed account, but a specific account of the leading points of how this vast sum of £13,000,000 was expended. He had a strong impression that the cost of repairing old ships and the cost of building new ones were so jumbled up together in the accounts that the cost of one or the cost of the other could not be discovered. He would like to see them kept separately. The effect would be that if a frigate were building at Chatham, and a similar frigate were building at Pembroke, there would be a competition between the two dockyards to produce a ship of good quality at the smallest cost. Then the surveyor's office was approached by a kind of sealed door. He would like to see the Commission walk into his office, and that a thorough tumble over of the books should take place, in order that it might be known what he did, what were his powers, and under whose control were the final orders for the vast and costly alterations which were continually being made in the shape and structure of Her Majesty's ships of war. Then he would have an inquiry into the mode in which the men were employed in the dockyards, whether the task and job were the best and most advantageous mode, or whether the piece or the day work. These were the leading points for the inquiry of the Royal Commission; and if the Commission would go thoroughly into the investigation, determined to arrive at the bottom of everything, he was strongly of opinion that £11,000,000 of money might be made to go quite as far as the £13,000,000 the House was about to vote this year.

Mr. SPEAKER: Do you move an Amendment?

Mr. LINDSAY: Yes, an Amendment in the form of an addition.

Mr. Lindsay

Amendment proposed at the end of the Question to add the words "and the best mode of keeping the accouuts thereof."

Lord CLARENCE PAGET said, he was exceedingly glad to perceive such a general feeling in favour of the inquiry which had been proposed, and he saw no objection whatever to the addition proposed by the hon. Member for Sunderland. It would be generally conceded that public opinion in this country had been much given of late to discuss the question of expenditure in the dockyards; and he thought it wise of the Government to agree to an inquiry to be conducted by perfectly independent persons as to the mode in which these vast sums of money were expended. The question in the House seemed to be whether the inquiry should be by a Royal Commission or by a Committee. He had thought a good deal upon the subject, and he admitted that there were many arguments in favour of a Committee. But, bearing in mind that the inquiry could not be confined to the Admiralty, but must necessarily be accompanied with visits to dockyards, and personal inspection of the works and the system of accounts in those dockyards, which would not be within the powers of a Committee —bearing in mind also that already a considerable portion of the Session had passed, and that no Committee could arrive at a report this year, whereas a Commission might continue its labour during the recess, he was now very much in favour of the inquiry being conducted by a Royal Commission. He did not mean to say a word against the Committees organized by the Admiralty with a view to an inquiry into the state of the dockyards and steam departments last year; but certainly there was one part of the duties of such an inquiry which those Committees were not empowered to undertake. The Committees, both that on steam machinery and that on the dockyard economy, were appointed solely and wholly with regard to dockyards; but for general amelioration of the system of ship building in this country, and for a cool, valuable consideration of it, with regard to the public interests of the country, it was necessary that the inquiry should extend to the fountain head. And inasmuch as neither of those Committees had any reference whatever to that department of the Admiralty, which was at the head of all the ship building for the navy, that of itself was sufficient to justify the hon. Gentleman in moving for a Com-

mission, even though those Committees had been so recently appointed. One of the most important duties of the Commission would, no doubt, be to ascertain by examining the members of the Board of Admiralty and the Comptroller whether the strength of the Comptroller's Office was sufficient for the enormous duties which were imposed upon them. When it was considered what were the duties which were embraced in that Comptroller's Office, and what the staff of that office was composed of, he thought it would be found that some addition must necessarily be made as a matter of economy. The Comptroller, firstof all, had the management, under the responsibility, of course, of the Admiralty, of the whole of the ship building, the repairing of ships, and the fitting of ships in Her Majesty's dockyards; he had the control over the system of contracts for marine engines; he had the purchase of all the vessels—and there were now a great number—which were built and building by contract. Besides this, he had an immense field of labour and consideration in the promotion and the appointment of all the officers and workmen in the dockyards and steam factories. These formed some of his duties. But he had another duty, which was increasing daily, owing to the great advance of enterprise in this country—namely, the consideration of the numberless inventions daily brought to his office for the construction of vessels, of engines, and, in fact, of every detail connected with vessels of war. This alone took up much of his time, to such an extent that it was physically impossible that he could perform a most important portion of his duties—namely, visiting the dockyards with a view to a personal inspection of the vessels in the process of building or undergoing repairs. And why? Because he was imprisoned in his office in London by the vast amount of business which accumulated upon him. An inquiry into all these things would be a most important duty which the Royal Commissioners would have to perform. So strongly did the present Board feel the necessity of relieving the Comptroller of the Navy of some of his duties that they had actually decided on appointing an assistant to him; they had not, however, quite made up their minds whether assistance should be given in the form of a professional shipbuilder, or a scientific officer of the navy. And as the notice of his hon. Friend was on the paper, his noble Fiend (the Duke of Somerset) thought it wiser to defer the appointment till a Report had come from the Royal Commission. Another question which had presented itself to the Board had been the great and increasing work in the dockyards and the several systems of payment of wages. He could not but hope that this was only temporary. He never could believe that there was a necessity to go on in the enormous ratio in which we were now progressing in reference to ship building. He sincerely hoped that the present was only an exceptional state of things. But it would be a portion of the duties of the Royal Commission to inquire whether it would not be conducive to economy if there was some assistance granted to the superintendents at least in the larger dockyards. Another important duty for the Commission to perform was that alluded to by his hon. Friend, with a view to which he had proposed to add some words to the Motion. He did not think those words necessary. He thought the instructions to the Commission would embrace the subject of keeping the accounts. One cause of the growing idea of the public that they did not get their money's worth for their money, arose from the inability of any Admiralty, be they who they might, to give complete and detailed information to the House with regard to the cost of each and every ship in the navy. He blamed no individual. He felt it, however, so strongly that many years ago he suggested to the Admiralty that they should present to the House the cost of each ship. He had the honour of coming back to this House in 1857, and the very first time he addressed the House afterwards he offered his earnest advice that every year there should be laid on the table an account showing the cost of every ship, showing, in fact, the way in which the money had been spent during the past year, and by a clear statement showing how the money to be voted was to be expended. That advice passed unheeded. In 1858 he again called the attention of the House to the utter want of information possessed by the House of the cost of the ships of the navy. He stated, not as an attack on the First Lord of the Admiralty but as his deliberate conviction, that it was due to the public that they should know how these vast sums were expended. Upon that occasion he used these words:—

"What had passed that night proved more than ever the justice of the complaint so often made, that those Estimates were not drawn up in such a

way as to enable professional men to analyze them with effect. There were two mysterious Votes, Nos. 8 and 10, which seemed to depend upon each other, the two forming, indeed, one Vote, and it was to that part of the Estimates he wished particularly to allude. The two Votes amounted, in the revised Estimates of the Government, to £2,326,663; but he defied any one to say how that money was to be expended, or to give a professional opinion as to whether the expenditure was such as would combine economy with efficiency."—[3 *Hansard*, cxlix., 929.]

And last year he again called the attention of the House to the large expenditure, of which no account had been given; and he wished to take the present opportunity of saying a few words on that subject. His right hon. Friend the late Secretary to the Admiralty (Mr. Corry) had expressed his great regret that he (Lord C. Paget) should have thought it right to adhere to a statement he had made last year, that there was a sum of £5,000,000 he could not account for. Now, that was not what he stated in the House. The gallant Officer the Member for Southwark (Sir C. Napier) asked him in rather an ungenerous spirit—and he must add that he thought the right hon. Baronet the Member for Droitwich (Sir J. Pakington) also alluded to the matter in an ungenerous spirit—they accused him of having made rash and loose statements which he had not been able to verify, and which had been completely upset by the Comptroller of the Navy. Now what he (Lord C. Paget) said the other night was this. He said he did not regret—nor did he now regret—having called the attention of the House to this vast expenditure. He never held the opinion that the Comptroller of the Navy was responsible. He never questioned for a single moment but that he had authority for it, and he said it was the Admiralty who were responsible for the expenditure. He never said that the whole of the money could not be accounted for. On the contrary, he said he was sure that the Admiralty could account for every shilling; but that his object was to get an account which the House of Commons had never been favoured with since the year 1819. He had made his own estimate of the expenditure during the last eleven years, and he stated that it was an estimate of his own. He had certainly been of opinion that there were five millions expended over and above what he could account for, after carefully making his own estimate of the cost of building and maintaining the fleet during the past ten years, and his statement had produced an official account in which he admitted there were sums of which the House of Commons from the yearly Estimates had no knowledge whatever; for instance, upwards of a million in repairs, &c. to foreign men of war. He was, however, bound to say, without wishing to give offence, that he still thought due economy had not been practised in the shipbuilding department of the navy. Such was his opinion; but if the Commission about to be appointed should report that he was wrong, there was no Gentleman in the House that would rejoice more than he would, as he stated last year. He had troubled them with these few personal remarks, as he could assure the House it was very painful to him to hear hon. Gentlemen rise up night after night and accuse him of making personal attacks upon individuals for whom he had the highest esteem, when he was only desirous to discharge his duty. The present Board of Admiralty was anxious to cut down all needless expenditure. The hon. Member who made the Motion complained of the loss sustained through the workmen having a half-holiday whenever the Lords of the Admiralty visited a dockyard. He believed that arose from an old usage of mustering the men to see that the proper number were employed, and after the muster the half-holiday was granted. But the necessity for the muster had become obsolete, and when the Lords of the Admiralty visited the dockyards last year they did not muster the workmen, and the rule had now become obsolete; but it was thought right and fair to continue the half-holiday. With respect to the Motion of the hon. Member (Mr. Jackson), all he could say was that the Admiralty would give every possible facility to the Royal Commission to look into every department. He had no objection to the Motion nor to the words suggested by the hon. Member for Sunderland. As to the suggestion of his hon. Friend the Member for West Norfolk for an inquiry into the composition of the Board of Admiralty, he objected to it, not that he feared inquiry, but because he was sure that the Commission had already sufficient employment in the terms of the Motion.

Mr. JACKSON replied, that while he did not intend to attack any one, he must adhere to his opinion, that a ship could be built 20 per cent cheaper in a private yard than in the Government dockyards. He had no objection to the words proposed by the

hon. Member for Sunderland, but he thought them wholly unnecessary.

Motion *agreed to.*

Question, "That those words be there added," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

Resolved,

"That an Humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the system of control and management of Her Majesty's Dockyards, the purchase of materials and stores, the cost of building, repairing, altering, fitting and refitting Her Majesty's Ships, and the best mode of keeping the Accounts thereof."

LONDON CORPORATION BILL.

SECOND READING.

Order for Second Reading read.

Sir GEORGE LEWIS said, he would move the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. ALDERMAN SALOMONS said, he would beg to represent to the right hon. Gentleman the Secretary for the Home Department, that many of his hon. Friends, who had been instructed to state to the House their views upon this Bill, had left under the impression that it would be impossible to bring it on that night. Under these circumstances he appealed to the right hon. Gentleman whether the Bill ought not to be postponed.

Mr. SOTHERON ESTCOURT said, that the Bill had already been postponed some half-dozen times, and, if it was postponed now, he did not know when it would ever be discussed.

Mr. AYRTON said, he had given notice of his intention to move that the Bill be committed to a Select Committee, with instruction to inquire into and report upon the charges and taxes on the metropolis, and the expediency of constituting the metropolis a county of itself for all purposes of local management, and for the administration of justice. He wished, however, at the outset to say, that it was much to be regretted that the Government placed their Orders of the Day on the paper in such a way that no man could tell what would come on and what would not. A hon. Member expected that a question early on the list would be brought forward; he waited in the House and was disappointed. Another that was interested in a question low down in the list went away under the impression that it would not come on, and he was disappointed too. Why could not the Government conduct their business as the late Government did. When the right hon. Gentlemen opposite were in office, he never observed that there was any of that difficulty and perplexity which were now constantly taking place. But the right hon. Gentleman the Secretary of State for the Home Department seemed to take delight in the confused manner in which he placed the Orders on the paper. He (Mr. Ayrton) was, however ready to take his part in the discussion of the present Bill, and to submit the grounds on which he proposed it should be dealt with by the Resolution he was about to bring before the House. He could not but express his surprise that a liberal Government should be introducing to the notice of the House a Bill to set up anew, as it were, the Corporation of the City of London; or should devote one hour's labour in the vain attempt to make such a Corporation useful for any practical purpose. The time was past when the Corporation could render service to any portion of the metropolis, though unfortunately the time was not past when it could be a great obstruction and inconvenience to the large body of inhabitants who resided about the boundaries of this petty municipality. The City occupied an exceedingly small area—something like 700 acres in the midst of the 78,000 acres which constituted the area of the metropolis; and its population was 113,000 in the midst of a population now amounting to 2,500,000. The population of the City instead of increasing rather diminished, because every year the habitations of men were becoming converted more and more into storehouses for goods. The population of the rest of the metropolis, on the contrary, was constantly on the increase, and required arrangements to be made commensurate with its great necessities; but the Corporation stood in the midst of it, incapable of progress, and dealing in no way with the great interests by which it was surrounded. This municipality was originally really a metropolitan Corporation. It was not a narrow municipality for the benefit of a small area, but it was established for the advantage and convenience of what was then the whole metropolis. The present citizens claimed as the founder of their City Brutus, the great-grandson of the brother of Æneas; but,

however that might be, it was certain that the municipality was originally one which comprised the whole of the inhabitants. It rested on a double basis. First, there was a local situation and a local limit; and, in addition, there was a trading corporation, which embraced all the great branches of trade existing not only within this limit, but all around it, in connection with the commerce of the Port of London. Every trade had a separate guild, and each guild was connected with the general Corporation. Before any man could become a member of the Corporation he was required to be a member of these trade guilds. It was necessary that he should be a freeman of a City Company before he could become a member of the Corporation aggregate, and in the time of Edward I. the power of electing the Common Council was vested, not in the mere local inhabitants, but in the several trading Companies of which the Corporation was thus composed. Many changes then took place, regulating the mode of appointing the governing body of the Corporation. Afterwards the City was divided into wards, and these wards elected members of the governing body. At first the wards were to select according to the position of the councillors as members of the particular trading guilds. Disputes, however, arose between the inhabitants on the one hand and the Companies on the other, and various arrangements were made, but all on this footing—that the guilds formed the basis of the municipality, which had its action and its seat of government within the limits of the City. When the compactly-built houses reached the old walls, a locality indicated by the names of Ludgate, Aldgate, and Newgate, the Corporation, not being tied down to a certain area, extended its limits according to the necessities of those days. The Government then possessed an intelligence in which the present Ministry seemed rather deficient, and, perceiving it to be necessary for the convenience of the inhabitants that the area of the Corporation should be enlarged, extended it to an outer ring now defined by bars, as Temple-bar, Holborn-bar, and Smithfield-bar. Again, when a bridge was built across the Thames, and Southwark was connected by a solid passage with the City, the Corporate limits were once more extended, and were made to embrace that suburb. But the citizens, always selfish and exclusive, would never give to Southwark a complete share of municipal advantages. They obtained from the Crown dominion over Southwark, but at the same time managed to keep the district in a state of bondage. There were other indications of a desire on the part of the Crown in those days not to narrow the Corporation down to the mere area within its walls. The Corporation obtained a grant of all markets within seven miles of the City; and entire jurisdiction was given to them over the Port, extending from Staines to the mouth of the Thames—a jurisdiction of which they were only deprived two or three years ago. Thus the Corporation originally was not local, but metropolitan; it had not the character of narrowness into which it had subsequently degenerated, and with which the present Bill sought to invest it as a final settlement of the question. But, unfortunately, the citizens came to be regarded by the Court as rather a troublesome and malignant body. London was a place into which all men who offended Ministers were in the habit of flying, not perhaps for protection, but for consolation and support. The noble Lord (Lord John Russell) apparently took a deep interest in the preservation of the Corporation, because the barons after signing *Magna Charta* hid themselves behind the City walls, were feasted by the citizens, and were thus withdrawn from the power of the Crown. That was the relation long maintained between the City and the Court. Every man who became unpopular at Westminster became, as a matter of course, popular at Guildhall, and if frowned upon by the King, the citizens delighted to do him honour. The case of Mr. Wilkes was only an illustration of the state of things for a considerable period, and during two centuries the Crown used to appeal to Parliament to pass laws for the purpose of preventing the building of any more houses within a certain distance of the City, in order to keep down the great, dominant, and growing power of so great an assemblage of people within one centre of action. In these endeavours the Crown, of course, failed. Houses were built, but still the system of repression was steadily pursued. The Crown would recognize no increase, discouraged it, and made it penal to enlarge the area of the City. At length, in the reign of James I. or Charles I., the system was finally broken down, and those who desired to build houses between London and Westminster became at liberty to do so. The metropolis began to extend its

limits. Temple Bar was no longer the boundary of the habitable district. First one nobleman's estate and then another was built upon, until London assumed double its old dimensions. But though the City was thus allowed to enlarge itself, it did not grow in favour with the Court. In former days every Lord Mayor of London when presented to the Crown received the honour of knighthood; but when the City presumed to comment upon the conduct of the Administration the Government advised the Crown to pay no more respect to the Corporation, and from that day to the present no Lord Mayor was knighted except as a special mark of favour. He might add that the general character of the Corporation in connection with the trading companies continued perfect until the year 1835, when the Common Council made a rule that it should be no longer necessary for those who elected them to continue connected with the City Companies, and by a simple resolution deprived the freemen of the City Companies of the right which they had enjoyed for several centuries. In the whole history of this country there was no more impudent act than the resolution by which the Common Council excluded from corporate advantages all those traders in the metropolis who did not dwell within a certain very limited area. From that time the Common Council assumed a mere local character, not increasing in importance, and becoming less worthy of the consideration of the House of Commons. When they were connected with the City Companies they held an exceptional position, but then they became a municipality with 100,000 inhabitants, inferior to Liverpool, Manchester, and many other towns. After the House of Commons was reformed one of its earliest efforts was to examine into the affairs of the municipalities of England. Everywhere they had become subservient to the wishes of a few designing persons, and a general law was passed reforming those bodies in harmony with the idea of the present time. But why was not London included in the Reform? The only reason which he had heard assigned was, that it was so exceptional in its circumstances that it was impossible to bring it within the scope of general regulations. The Corporation, however, with great sagacity, saw the prospect of future Reform, and wisely considered that the best way of obtaining a well-regulated Reform according to their own estimation was to be represented in the House of Commons by the leader of the Reform party, and they had since enjoyed the full results of their wise and judicious proceeding. They had returned to that House the noble Lord the Secretary for Foreign Affairs as their Member, and although repeated promises had been since made of reforming the Corporation, those promises had never been fulfilled. Some attempts had been made, but they were not of a character to commend themselves to the approval of Parliament. There had been small measures to make the Corporation more convenient for its own ends, to alter the number of the Common Council, to make arrangement for a voting list in the City, and to alter the mode of electing the Lord Mayor, just such as might be expected from local corporators who were anxious to increase their own importance, without regard to the just claims of the other inhabitants of London. After much perseverance, however, steps were taken to divest the Corporation of its peculiar and useless character. Two Commissions were appointed by Government, when the cry for Reform became loud, and in the Reports of those Commissions were paraded the shortcomings and the inutility of the Corporation; but there had been a power of vitality in that body which had enabled it to survive every exposure and condemnation of its faults and shortcomings. One Reform, however, did take place which was worthy of notice. The trade of the port of London had grown to such magnitude that it could no longer bear the fetters of the City Corporation, and the Government, yielding to the demands of public opinion, introduced a Bill divesting the Corporation of its main attribute as Conservators of the River Thames. There was one Member of a former Government, presided over by the noble Lord the Member for Tiverton, who applied his mind to the consideration of the wants of the metropolis, and brought his great intelligence to bear upon the construction of a municipal system suited to the requirements of the metropolis. That right hon. Gentleman (Sir B. Hall) had been since called up to the other House as a reward for his services in that direction — at least, so he (Mr. Ayrton) supposed, for he knew of no other services the right hon. Gentleman had performed. That was an encouragement to all metropolitan Members. The municipality then formed had shown itself able to deal with questions of great magnitude,

and had fully justified the expectations of its founder. At the same time it had dispelled the oft-repeated and unsound observation, that it was impossible to frame any sort of municipality for so great a body of persons as resided in the metropolis. The metropolis was now divided into wards, with an admirable provision for their rearrangement according as changes might take place, and the qualification of electors and elected had been defined. The late Government had placed the question of drainage freely in the hands of the Board of Works, and the result would be that, instead of having thrust upon us the most transcendantly extravagant and nonsensical scheme which was ever imagined—which would have been the case had the matter been left in the hands of the Government—the metropolis would be freed from the inconveniences which had arisen from its sanitary mismanagement under the auspices of the Crown, and that this municipality would justify the predictions of its founder, and would do credit to the judgment of the Government which intrusted it with this power. Would it not be better now to utilize the new corporation they had established than to endeavour to resuscitate the old one which was dying? Could they by any possibility restore life to that antiquated institution; and was it not easy to give vitality for all purposes of municipal Government to the new body which had been created, and which was based upon election by the whole of the inhabitants? He did not mean to assert that the new municipality at present possessed all the powers which would be necessary for general purposes. Hitherto it had been intrusted with only one work; and if it were to be intrusted with the general government of the metropolis, its powers must be increased and its numbers enlarged. At present there were but forty-four members of the Board of Works and 200 of the Common Council, which latter body had nothing to do but to ape the proceedings of that House, and rendered no service to any one. These, however, were details which might properly be left for consideration by the Committee for whose appointment he was anxious. There was another important point which he was anxious should be considered. According to the original constitution of the Corporation of London, the aldermen and common councillors of each ward were, for certain purposes, a municipal body, and governed the affairs of that ward. He thought that the spirit of that institution might be adopted in regard to any new municipality which was to be created. Great dissatisfaction had often been expressed with the present qualification of electors, and it had been urged that the multitude overbore the influence of the owners of property and the possessors of intelligence. This objection might be met by allowing persons possessing a small qualification to vote in the election of councillors, and requiring a larger one on the part of those who were to elect the aldermen; but this again was a question for the consideration of the Committee. He was anxious, however, to put an end to the pothouse intrigues which at present influenced the elections in the City. It was very desirable that gentlemen of station and position should go into the council and give the inhabitants of the metropolis the advantage of their leisure, their superior knowledge, and of their social station. Unfortunately, it was a matter of common knowledge that at present in the City of London men of station and position absolutely disqualified themselves from holding offices, the filling which would, they thought, disentitle them to the respect of their fellow-men. It was a subject of deep regret to see how many hundreds and thousands of persons of independent means and perfect leisure there were in the metropolis who were rendering no useful service to society, but who might find an admirable field for the application of their experience and knowledge in watching over the many branches of municipal administration. There were many subjects, among which was the supervision of the gaols, in which the criminality of 2,500,000 persons was confined, and the lunatic asylums where so many unfortunates were detained which ought to be confided to persons having a common interest with the inhabitants. There were also the various topics that from time to time engaged the attention of that House, owing to the want of a local governing body such as he had described. For example, there was the construction of bridges over the Thames. The Government had to make one bridge, and they applied to Parliament for the necessary means and powers; the City of London made another; a private company made a third; and a barrier was put between the one-half of London and the other, so that persons passing to and fro between them had to pay tolls that were a scandal to the age. Bridges were built

that would not stand, and people only asked when they were to tumble down. All this came of leaving these matters to haphazard management, and always would be the case when they were confided to bodies remarkable only for incapacity to deal efficiently with any matter they took in hand. A notable instance of this was that a department of the State was found so incapable for such duties that it could not even clean out a small piece of water like the Serpentine. How could a body like that regulate the metropolis? A complication of parishes, vestries, municipalities, and Government offices, all meddled with affairs with which they could not adequately deal, sacrificing the real interests of the inhabitants, who had nothing for it but to pay heavy charges which a little foresight and intelligence might have spared them. The evil was gradually increasing in magnitude, and the time had come when it should be grappled with. He therefore hoped the House would consent to an inquiry such as he had suggested. Session after Session Bills were brought in and Commissions appointed with respect to municipal subjects which ought to be dealt with by a properly constituted municipal body, responsible to the inhabitants and ratepayers, who would at once remove them from office if they misconducted themselves. The establishment of a municipality would involve serious consequences. Assuming that they would have such a governing body, of course they would have committees appointed who would superintend the different departments. They would deal with the whole area, and the now subdivided different bodies would then become united together. The City of London was a county of itself. Let the metropolis, according to ancient precedent, unite also in itself the institutions of a great city with those of a separate county. Then they would get rid of the preposterous pretensions of the Commission of Lieutenancy in the City of London which now enabled a number of portly people to dress in red coats and ape the costume of field-marshals in the army. The county of the metropolis might have its Lord Lieutenant like other counties; or, if it was thought advisable to gratify the vanity of a group of persons, the Crown might, as at present, put the lieutenancy in commission, when the position might be filled by men better qualified for it than aldermen, bank directors, and persons highly respectable in the eyes of the citizens and on 'Change, but destitute of the distinction suitable for the occupants of such important posts. London aldermen equipped like British general officers were the laughing stock of the Boulevards of Paris, and brought contempt on the City and the country to which they belonged in every foreign capital they visited. Then the City also had its sheriffs. The inhabitants of all Middlesex were treated almost as the property of the London Corporation, the shrievalty of that important county—a situation which might be an object of legitimate ambition to its gentlemen of station and fortune—having six centuries ago been assigned and bartered away to that ancient body for money by some corrupt statesman or improvident Sovereign. That abuse ought to be swept away, and an end put to the absurd claims of a little area of one square mile and 100,000 people, who not only had their own sheriffs obstructing the administration of justice in the entire county, but arrogating to themselves the headship of the rest of the metropolis, whom they affected to spurn and excluded from any share in corporate rights. These relations must be restored to a rational footing, when many gentlemen of distinction would be found ready to act as sheriff for the county of the metropolis, whereas at present everybody with a character to maintain rather shrank from the office lest he should be carried about as a mere pageant for the amusement of the London apprentices. Then, again, there were other offices, like those of the Recorder, the solicitor, or the architect of the Corporation, with salaries from £3,000 to £2,000 a year attached to them, and which might command, as they now did, a great amount of ability and intelligence, although, unfortunately, those qualities were not now turned to account, as they might be, by reason of the very limited field to which they were restricted. Another obstruction consisted in the City police. An admirable police force had been organized some years ago for the rest of the metropolis, but they were not allowed to enter within the bounds of the Corporation, where a separate establishment was still maintained, apparently for no other object but to put everything in confusion, and offer facilities to roguery and crime. That was a state of things he desired to see abolished, for he was satisfied that the amalgamation of the two bodies of police would be a work of great public usefulness and economy. Again, there was no police magistrate

within the area of the City, as in other parts of the metropolis. That defect, however, it appeared, was about to be remedied, but in a way that harmonized with the aspirations of the Home Office, which preferred to have magistrates of its own selection, and it was said that Whigs never lost an occasion for grasping at the exercise of patronage. There was also the important question of taxation. The Corporation had for a long time assumed an exceedingly anomalous position and power in reference to the metropolis in that respect. Whatever might have been the powers of the Corporation over the purses of the inhabitants in times long past, those powers were consistent with the relations subsisting between the inhabitants and the Corporation. But hon. Members knew that there existed at present a grievous impost of 1*s.* 1*d.* on every ton of coals that came into London, which extended not only over all the inhabitants, but over a radius of twenty miles beyond the metropolis. It was naturally asked how the Corporation obtained that singular power of levying taxes on their neighbours; but whenever any one attempted to discuss that question with them they took refuge in the mazes of antiquity. They referred to a multitude of charters, many of which had no longer any existence. He rejected all these pretences however, as he found an intelligible explanation of the origin of the tax in the statute book. In the time of James I. a metage of coals was granted to the Corporation as appertaining to the conservancy of the Thames and the port of London; and so long as they acted as conservators and regulated the import of commodities it was reasonable that they should receive a consideration for the discharge of those functions. The sum allowed them in that reign was 8*d.* a ton for weighing and delivering coal. In the reign of Charles II., after the fire of London, it became necessary to consider how the consequences of that great calamity could be alleviated, and it seemed to have entered the mind of the Corporation to tax coal as a means of carrying on the work of reconstruction. A statute was therefore passed in that reign imposing a tax of 1*s.* a ton on coals entering the Thames, for the creation of a fund with which, as the Act expressed it, "to rebuild London as the imperial seat of His Majesty the King." Subsequently there was a further grant of that duty for widening the streets, building prisons, and embanking a portion of the Thames. In the reign also of Charles II., there was a grant of a tax for the building of public market places and for churches. These grants were all temporary; but the Corporation had discovered the tax upon coals to be a convenient resource, and they seemed resolved never to let it go. An incident occurred before the Revolution, called the shutting up of the Exchequer, by which the Corporation was placed in financial difficulties. That was done at the instance of the Crown, and the Corporation happened to have a considerable sum of money deposited with the Exchequer at that time. They alleged that the money so locked up was not their own, but belonged to the orphans of the City of London. On the Restoration they applied to the Government to have that money repaid, and eventually, on the allegation that it belonged to the orphans of the City, they obtained an Act empowering them to levy a tax of 4*d.* a ton on coal coming into the port of London; and that was the charter on which they now took their stand, though the orphans must have long ago got back all their lost money. There was a time when the mention of that statute had so surprising an effect on the Speaker of the House of Commons that he was suddenly seized with a complaint which compelled him to leave the chair. When inquiries were made as to how that statute had passed it was discovered that it was the result of a contrivance on the part of the Corporation, a handsome bag of gold having been given for the purpose to the Speaker, to the clerk at the table, and to a Minister of the Crown. The Speaker, however, never recovered from the fit that seized him until he was voted out of the chair as unworthy to fill it. Yet this was the title of the City of London to the tax, this plunder upon the rest of the inhabitants. From that time to this the Corporation had never lost sight of the coal tax. Special Acts had been passed by which it was increased from 4*d.* to 1*s.* 1*d.* per ton. He thought the House would be disposed to ask whether an Act obtained under such a pretence was to be allowed to remain on the statute-book, and whether it had not been a great scheme on the part of one class of the inhabitants of the metropolis to plunder the rest. He had hoped the right hon. Gentleman the Secretary for the Home Department was prepared to fulfil the pledge he had given, to the effect that he would endeavour to pass a law this

Session for the settlement of that financial question. There was another tax, worthy of mention, on the metage of corn, yielding about £14,000 a year. This was one of the incidents of a former state of things which had no relation to existing circumstances. If the Act depriving the Corporation of the conservancy of the Thames were examined it would be found that in the spirit, if not in the letter, the metage was to be levied for the benefit of the navigation of the Thames, not for the purposes of the Corporation. He might here also refer to the tax levied by the Government on hackney carriages in London. That tax was legitimate enough, no doubt, when first imposed, when only fine gentlemen got into coaches; but it was a monstrous thing now to levy £70,000 a year on cabs, while local taxes had to be imposed to pay for the repair of the roads which they were constantly engaged in cutting up. And he would call on those hon. Members who objected to a shilling of public money being laid out for metropolitan purposes to help in adjusting these matters of taxation between the citizens of London and the Exchequer. Another point of vast importance to the people of London, and even of all England, was that of the administration of justice in the metropolis. That was the third branch of the inquiry he proposed with a view to the introduction of considerable improvements. With regard to the criminal part of the question he had been anticipated by that great law reformer, Lord Brougham, who many years ago abolished a most indecent system of administrating justice, carried on under the patronage of the City of London, and established the Central Criminal Court. The operation of that Court had shown the advantage of a uniform system. It had worked so well that it required no defence on his part. He desired to see that system enlarged and improved, for at present the relations of the people of London to the justices of Middlesex, Kent, and Surrey, and all the injustice they committed, were most inconvenient and harassing. It would be infinitely better than the present system to have a commission of the peace for the whole metropolis, and a body of justices selected from the inhabitants, who would necessarily take a deeper interest in the questions submitted to their judgment. There should be a uniform system for the whole metropolis, which might be divided into convenient wards, suitably arranged for purposes of polling. In each ward there should be petty sessions, presided over by a recorder or deputy-recorder, when small offences could be tried in the immediate neighbourhoods in which they were committed. This would be a great convenience to the inhabitants, and the police would not be withdrawn from their own districts to attend trials in which they were engaged. This would all result from the metropolis being made a county of itself. But he would have arrangements for improving the civil as well as the criminal administration ot justice. The House would scarcely believe the amount of trouble, vexation, and annoyance to which the inhabitants of the metropolis were put by the manner in which civil justice was administered in connection with the highest courts of the country. From a Return made up to the end of 1856, being the latest made, it appeared that out of all the causes tried in that year before the Judges of the superior courts at Westminster with juries there were entered for London and Middlesex 2,608; while for the whole of England, except London and Middlesex, the number was only 1,329. The arrangements for trying civil causes were of the worst possible kind. They had not only Courts sitting in London and Middlesex, but after that they had sittings at Guildford, Kingston, and Maidstone in connection with the assizes. What a monstrous thing it was that a man living on the south side of the river, when he had a dispute about his house, should be taken to Maidstone or Guildford, as the case might be, in order to have the case disposed of! On the north side there was experienced the great inconvenience of three Courts sitting at Westminster at the same time to hear causes with juries; and the same thing took place in London, to the great detriment of a right administration of justice. Instead of this antiquated contrivance, he wanted to have a central civil court for the trial of causes at *nisi prius*. That Court should be constantly sitting, so that if a man commenced his suit at the beginning of a month he would have it tried before its close, instead of having to wait for several months. One Judge from Westminster Hall should sit week by week in rotation, finishing the business before him, or, if not finished at the end of the week, the remanet should be disposed of at an extra sitting. Every man would thus know when his case was to be tried, and could insure

the attendance of his counsel, and justice would be economically and satisfactorily administered. It was absolutely necessary with reference to the trial of civil causes that the system of juries should be rearranged. The jury list should be made co-extensive with the whole metropolis. Juries instead of being summoned to Maidstone or Guildford, ought to be required to give their services at some central court for the benefit of the whole community. He believed a step was now being made in that direction, and if ever the system came into full operation they would have a system for the administration of justice which would be economical, expeditious, and at the same time equally convenient to the suitors themselves and to the jury. But the subject was one which required careful investigation, inasmuch as it involved a number of important details both of legislation and of action. He hoped the right hon. Gentleman the Secretary for the Home Department would see the absolute necessity of breaking down the imaginary but at the same time most ridiculous barrier of the City boundary, of putting an end to the partition which now existed, and of forming the whole of the metropolis into one county, for the purpose of having justice rightly, conveniently, and expeditiously administered to the entire body of the community. Before concluding his remarks he wished to say a word or two upon the minor civil courts of London. There was in existence a court called the Mayor's Court, but he confessed that he was unable to see why they should set up a little court like that in the midst of London, with a peculiar system of administering justice, unless it were to add something of dignity to the Corporation. This was a state of things that could not be continued. They had another court called the Sheriff's Court. The only distinction between the two courts that he knew of was this, that the one had an unlimited jurisdiction which was never exercised, because every cause of importance was transferred to Westminster Hall; while the other had a limited jurisdiction, and conformed to a certain extent to the ordinary procedure, the practice in the Mayor's Court being to get a man into a parlour and commit him to prison in private. The sooner that system was abolished the better. Yet they had actually introduced into the other House of Parliament during the present Session a Bill containing 228 clauses in order to reform the Sheriff's Court! What must be the abuses of a court which required an entire code of laws to get rid of its errors! When he was told of that enormous Bill he said to one of the parties, "I think you only want one clause to make it a much better measure—a clause that, instead of reforming, would abolish your court and substitute a county court." The country had exhausted its intelligence in framing a system of local jurisprudence and summary justice for all the inhabitants of England; but this Corporation, being under the protecting ægis of its great representative in that House, continued the petty pretence of these antiquated courts. Why, the Corporation did not even pay those who presided in its courts a fixed salary; common councilmen practised there, gave themselves the airs of the masters of the Judge, or officers whose salaries they could canvass when next pay-day came round. Yet this indecent proceeding was tolerated by Government when they proposed to reform the Corporation! Could the right hon. Gentleman with such a Bill call himself a reformer of this miserable municipality? He had stated enough with reference to these little courts to lay the ground for investigation and important reform in this respect. If a Committee were appointed, and this Bill sent to it with the view of being made worthy of the occasion, the result would be that they would get a useful institution, based on recognized principles, harmonizing the Corporation with the necessities of the metropolis, and really useful to the inhabitants. If there was anything interesting in the old Corporation—the Lord Mayor's show, Jack-in-the-Green, and Guy Fawkes—by all means let them preserve it, but let them reform the Corporation itself on wise, comprehensive, and yet Conservative principles. For that purpose he desired that a Committee should be appointed; he hoped the right hon. Gentleman would consent to that Committee, and suspend the progress of the Bill in the meantime. In point of form he believed he could not put his Motion until the Bill was read a second time; he did not care whether it was read a second time or not if he understood that the whole subject was to be investigated fully and effectually; but he asked the right hon. Gentleman to give the House the assurance that, if read a second time, the Bill should be referred to a Committee. In that case he had no doubt from the inquiry would evolve a measure which, on the authority of the Committee, the right hon. Gentle-

man might introduce next Session, at once really creditable to himself and to the Government with which he was connected.

Mr. W. WILLIAMS said, that this Bill was the third Measure for the reform of the Corporation brought in since the Report of the Commission, and in his opinion it was by far the most inefficient. In point of fact, it effected no reformation at all. The object of such a Bill ought not to be confined to a twentieth part of the metropolis, but ought to be extended to the whole. The cost of administering the Corporation was much more than would be sufficient for all the expenses of a Corporation for the whole of the metropolis. A very remarkable report was made by a Committee of the Common Council about 1836, in which there was an exhibition for the first time of the vast expenditure and extravagance of the Corporation. A Commission was appointed, he believed, in 1852, consisting of the right hon. Baronet the Home Secretary, Mr. Labouchere, now Lord Taunton, and Mr. Justice Patteson. If the recommendations of that Commission had been carried out they would have produced an efficient reform; but every important feature recommended by the Commission was omitted in the Bill. Nor had any of the valuable features of the Bill introduced by the right hon. Gentleman the Member for Morpeth (Sir G. Grey) been preserved in the Bill before the House. The Commission recommended that a new charter should be issued, containing all provisions in existing charters of the Corporation, and all other customs of the City which it might be deemed expedient to preserve. No notice of that provision was taken in the Bill. It was recommended that the Lord Mayor should be elected from persons qualified to be common councilmen. By the Bill he was to be elected from the aldermen. The Bill proposed that the aldermen should be elected for life, although in Liverpool and other great towns they were only elected for six years. The Bill proposed to create 20 wards, having 20 alderman and 120 councilmen; although in Liverpool, which had a population of over 400,000, while the City had only 128,000, there were but 16 aldermen and 48 councilmen. Several privileges and monopolies, which were a great nuisance, in London were left unnoticed by the Bill. It would be better that the system, with all its abuses, should remain as at present, until they had a Government which could take a comprehensive view of the question. The corruption of the Corporation affected the whole of the metropolis. It was more extravagant, wasteful, and corrupt than any Government which had ever existed in the world, municipal or national. In the year to which the evidence taken by the Commission referred, its revenue was £406,851. Twelve of the principal officers of the Corporatin received in one year £2,955 more than the twelve Cabinet Ministers. 246 officers received £74,000 in fees never accounted for at any period before, and of which the Council were not aware. Indeed, the common councilmen were not themselves aware of anything like the corruption which existed until the discoveries made by the Common Council in 1836. There were twenty-eight lawyers, receiving £22,843. The present Bill contained no provision to remedy any such expenditure, however shameless. In the year referred to the Corporation received £155,000 for taxes on coal, corn, salt, &c. The expenditure of the Corporation during the year, to which the returns he held in his hand referred, was £2 12*s*. 8*d*. per head, whilst the expenditure of the British Government was only £1 17*s*. per head of the entire population of the United Kingdom. He should be glad to see the Bill rejected altogether rather than to see a measure of so absurd a character passed into a law—a Measure which did not propose to correct any of those abuses to which he alluded, and of which the public had been for so many years complaining. He ventured to say that if the question were left to the Corporation themselves they would have proposed a much better Bill than that framed under the authority of a Government that called themselves Reformers. He should not, however, oppose the second reading, as he felt in the present state of the House he should be unable to obtain a satisfactory result to such a Motion.

Sir GEORGE LEWIS: I think, Sir, that no sufficient reason has been given to the House for withholding its consent to the second reading of this Bill. I do not think it necessary to follow the hon. Member for the Tower Hamlets in his historical sketch of the City of London from the time of William Rufus, but will content myself with stating what has been done since the Reform Bill of 1832. One of the first consequences of that Bill was a reform of the municipal corporations of the country. A Commission was accord-

ingly issued, which took a comprehensive view of the question, and presented a Report. That Report, being laid before Parliament, was the foundation of the Municipal Corporations Act. From that Act the Corporation of London was excluded, upon the recommendation of the Commissioners, mainly because the City Corporation was based upon popular principles. Whatever may be said in a disparaging tone of the constitution of the London Corporation, it was a model of popular municipal government, and it was on that ground excepted from the general measure. A few years afterwards a Report was made by the Municipal Commissioners upon the City of London. That Report contained very few recommendations of reform, and the Commissioners confined themselves to a general statement of the constitution of the City, supported by documentary evidence. For some years the Corporation of London was unaffected by legislation, but, complaints having been made that Reform was needed, in 1853 a Royal Commission was issued, composed of Mr. Labouchere (now Lord Taunton), Mr. Justice Patteson, and myself, our duties being to inquire into the Corporation of the City of London, and by what means it could be reformed. The question referred to that Commission was not the general and more extensive question which the hon. Member for the Tower Hamlets has raised, whether municipal institutions for the entire metropolis should be established, but what reform should be made in the constitution of the Corporation of the City of London. The Commissioners investigated the subject, and, after full consideration, made a series of recommendations. I retain unchanged the opinions I then formed. At the end of that Report the Commissioners apologized for not considering the subject of extending municipal institutions to the metropolis generally, which they did not treat as within the scope of their Commission. They did not advise that municipal organization for the entire metropolis, not upon the ground, which has been alleged, that such a municipal institution would overshadow the dignity of the Crown. They thought, on the contrary, that if the attempt to include the whole metropolis by a wider extension of the present boundaries were made, the utility of the present constitution would be destroyed, while a municipal administration of excessive magnitude, and ill-adapted to the wants of the inhabitants of the metropolis, would be created. They recommended the establishment of a Metropolitan Board of Works—such board to be composed of a limited number of members deputed by the council of each municipal body including the Corporation of the City. The hon. Member for the Tower Hamlets said I had not sufficient breadth of intelligence to enable me to grasp so extensive a subject as a municipal institution adapted to the whole metropolis, but that he rejoiced Sir Benjamin Hall had proposed the plan of a Metropolitan Board of Works and carried that great measure through the House. I have not the least objection to any compliment being paid to Lord Llanover, to whom, I think, we are much indebted for framing and carrying the measure in question; but I wish to remind the House that the principle of the Bill was first proposed by the Commissioners, whose Report Lord Llanover himself acknowledged to be the groundwork of his scheme. The reason why the present Bill does not give effect to many of the recommendations of the Committee which were adopted in the measure of my right hon. Friend the Chancellor of the Duchy of Lancaster is, that they were excluded from the latter by the Select Committee of the House to whom it was remitted. I do not think I should have acted fairly towards the House had I adhered to the opinions I had formed as a Commissioner, and disregarded the conclusion of the Select Committee. I believe the Bill is useful as far as it goes, and trust the House will not reject it because some hon. Gentlemen think it does not go far enough. Those who think that the Bill should have dealt with the finances of the City, and the *nisi prius* jurisdiction of the superior courts, may propose separate measures for those objects; but the existence of such questions, which are quite independent of the constitution of the Corporation, ought not to interfere with the adoption of this Bill. It will not be in my power to accede to the proposal of the hon. Member for the Tower Hamlets to remit the Bill to a Select Committee. I do not understand how any practical plan can be devised for transforming the entire metropolis into a county, and I am not aware that any great advantage would arise from it. The proposal is an entirely novel one, and does not appear likely to receive general public approval. For my own part, I see nothing to recommend its adoption. In the first place a difficulty

Sir George Lewis

would be experienced in settling the limits of the new county, which would embrace portions of Middlesex, Surrey, and Kent. Then, is it likely that any advantage would arise from the appointment of a Lord Lieutenant or the establishment of a militia or yeomanry, or the re-adjustment of the gaols? Could a single assize suffice for two and a half millions of people? Many plans, of course, may be proposed for placing additional funds at the disposal of the Metropolitan Board of Works. I should be glad to see the administrative functions of that body enlarged, and I am not blind to the various anomalies which exist in the Corporation of the City. It appears to me that the only legitimate conclusion to be derived from the speech of the hon. Member is that we ought completely to sweep away the Corporation of the City, and distribute its revenues among the different districts of the metropolis. That is a proposal which has never yet been suggested to the House and as the present Bill, in whatever change it proposes, goes in the right direction, I trust there will be no opposition to it in its present stage.

Mr. JOHN LOCKE moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

Sir GEORGE LEWIS said, he hoped the House would allow the Bill to be read a second time, as there would be ample opportunity for further discussion on going into Committee.

Mr. AYRTON said, it was his intention to take the sense of the House on his Motion after the second reading.

Mr. Alderman CUBITT observed, that he was authorized to say, on behalf of the Corporation of the City, that they were desirous the Bill should be read a second time, but reserved to themselves the opportunity of proposing some Amendments in Committee. He hoped, therefore, hon. Members would permit the Bill to be read a second time at once.

Sir GEORGE LEWIS would undertake to postpone the division on the Motion for a Select Committee to another evening if they would agree to the second reading.

Mr. JOHN LOCKE said, he thought it would be more convenient if the questions of enlarging the area of the Corporation were discussed on the second reading. He submitted that no time would really be lost by the adjournment of the debate. He was not disposed to abandon his Motion.

Sir GEORGE GREY said, that the Motion of the hon. Member for the Tower Hamlets could not be discussed till the Motion now before the House was disposed of.

Question put,

The House *divided:*—Ayes 37; Noes 82: Majority 45.

Question again proposed, "That the Bill be now read a second time."

Mr. ROUPELL moved the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

Sir GEORGE LEWIS said, he could not exactly see what was the object of these repeated Motions of adjournment, after what he had stated in respect to the intentions of the Government. If the House would let the Bill be now read a second time he would on a future day move that it be committed to a Committee of the whole House, and then the hon. Gentleman (Mr. Ayrton) might make his Motion as an Amendment to that proposition.

Mr. AYRTON said, the course suggested might be adopted if they had any confidence in the manner in which the Government conducted the business of the House. But the way in which the business had been conducted had created a total want of confidence, and the best way to deal with the Government was to give up nothing. What they wished was that a Bill of such importance should be fixed for some certain day, and brought on that day. They had never been able to tell when the Bill would come on. They had been brought down to the House day after day for twenty days and subjected to every kind of annoyance. The right hon. Gentleman should fix some day for taking the discussion and abide by it.

Sir GEORGE LEWIS denied that he had ever shown any want of good faith to the House. The Bill had been taken that night because he had felt himself precluded from bringing on the Ecclesiastical Commission Bill and the Highways Bill, in consequence of an error in the printing of the notice paper. He would fix a reasonable day for making the Motion to which he had referred, and if he was unable on that day to go on with it, he would give fair notice of the postponement.

Mr. SOTHERON ESTCOURT said, whatever opinions Gentlemen might entertain as to the conduct of public business, or whatever want of confidence they might

feel towards the Government, he must say that he had never found the right hon. Gentleman (Sir G. Lewis) wanting in consideration for what was due to the House, or to the just claims of those who opposed the Government measures. Indeed the difficulty in which the right hon. Gentleman then found himself had been in part caused by his scrupulous regard for the convenience of hon. Members, who had quitted the House not expecting that certain important business would be brought forward. If the right hon. Gentleman consented to fix a night when the discussion could be resumed, he thought the hon. Member opposite might fairly withdraw his Motion for adjournment.

Mr. JOHN LOCKE said, the vast number of Bills which were put down on the paper each evening rendered it impossible to know when any particular measure would come on. On the understanding that a day would be given to the discussion of this Bill, he had no objection to withdraw his Motion.

Mr. HANKEY said, he thought it was desirable that the Bill should receive further discussion, and in consequence of the very long speech of the hon. Member for the Tower Hamlets many hon. Members had been prevented expressing their opinions with regard to the Bill.

Mr. SEYMOUR FITZGERALD said, he understood that all that was wanted was an assurance that there should be an opportunity for full discussion.

Motion, by leave, *withdrawn.*

Bill read 2°.

Motion made, and Question proposed, "That the Bill be committed to a Committee of the whole House.

Sir GEORGE LEWIS said, he proposed to adjourn the further stages of the Bill to that day fortnight. If it should not be likely to come on then he would give notice a few days beforehand.

Mr. AYRTON said, he rose to move his Amendment.

Mr. SPEAKER said, that if the hon. Gentleman then moved the Amendment he would not, on the resumption of the debate, have an opportunity of making a speech.

Debate *adjourned* till *Tuesday*, 8th May.

CENSUS (ENGLAND) BILL.

SECOND READING.

Order for Second Reading read.

Mr. CAIRD said, that no single improvement had been adopted in the mode of taking the census in England since 1801, and suggested that some of those which had been effected in the Irish census returns should be imported into those made for this country; especially that columns describing the size of the dwelling-houses and the relative amount of acreage under crops of different kinds should be included, with the view of obtaining particulars with respect to the size of dwellings as well as to agricultural statistics, &c. He did not wish to press the subject, but he suggested that it would be well to refer the Bill to a Select Committee, to consider these points and report upon them.

Mr. BAINES said, he would like to know whether it was intended to conduct the census on an uniform plan for the United Kingdom. One point which he wished to recommend was, that the plan adopted should be as much resembling the former one as possible, and then that it should be conducted on an uniform plan. He differed from the hon. Member who had just spoken, when he said that no varieties had been introduced since 1801. The census of religious worship was an important alteration; and he earnestly hoped this inquiry would be continued on the present occasion. He noticed that it was proposed to ask respecting the "religious profession" of every person, and the answer was to be given under a penalty. He objected strongly to an inquiry of this sort being made under a penalty. Many persons would object to answer, under a penalty. It would be remembered that at the last census a very painful revelation was made of the number of persons, no less than 5,000,000, who did not attend religious worship at all. He feared that amongst this class either no answer, or even indecorous answers might be given. Not a few of the answers would also be ambiguous. Amongst the Presbyterians there were many subdivisions; there were also sections among the Methodists. Many persons would also return themselves simply as Dissenters, and thus difficulties would arise. In the last census year the arrangements were as nearly satisfactory as could be attained; and if they had the same information as was obtained before, he thought it would be amply sufficient. He recommended that the words he had referred to should be omitted, and, above all, that there should be no penalty.

Sir GEORGE LEWIS said, that he thought that those details would be better

left to the Committee. However, he would answer the question with reference to taking a uniform census. On former occasions England and Scotland had both been included in one Bill, but since the last census a Registrar General had been appointed for Scotland, and it was thought right to give him the superintendence of the census of that country. A separate Bill would be introduced therefore for Scotland, but the forms of census would resemble each other. With regard to Ireland, the census there had always been taken by the constabulary; and, as it caused no additional expense, the information had always been much fuller. The same plan would be adopted on this occasion.

Bill read 2°, and *committed* for *Monday* next.

PAPER DUTY REPEAL BILL.

THIRD READING.

Order for Third Reading read: Motion made, and Question proposed, "That the Bill be now read the third time."

THE CHANCELLOR OF THE EXCHEQUER stated, in answer to Mr. WARNER, that the passing of this measure would not fetter in any way the discretion of Parliament as to the imposition of any Customs' duty on paper. He was willing that the third reading should be postponed.

Debate *adjourned* till *Thursday*.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, April 25, 1860.

MINUTES.] PUBLIC BILLS. — 1° Sheriff Court Houses (Scotland).
2° Masters and Operatives.
3° Pawnbrokers Act Amendment.

LAW OF PROPERTY BILL.

COMMITTEE.

Order for Committee read.

MR. WALPOLE moved that the House go into Committee on this Bill.

MR. HADFIELD said, he could not but complain of the Bill being brought on when so many hon. Members interested in the measure were absent. He was desirous of introducing a clause enabling trustees to exercise a judgment in the investment of trust funds, so that they might be enabled to invest such moneys in safe securities yielding a better interest than Consols. He had proposed a clause in the Bill of last year to empower trustees to lend money upon the security of freehold, copyhold, and leasehold property, and in Bank and Indian Stock, which was admitted by the right hon. and learned Gentleman, who ultimately drew up the clause, and he was surprised now to find that the right hon. and learned Gentleman was himself proposing its repeal. He was anxious to learn the reasons for that course, as he believed the clause had been approved of by the highest legal authorities on both sides of the House. If the consideration of the Bill in Committee could not be postponed, he hoped the right hon. and learned Gentleman would allow this question at least to stand over until hon. and learned Gentlemen standing high in the legal profession, who took an interest in the subject, were present, especially the hon. and learned Member for Wallingford (Mr. R. Malins), who was engaged that morning elsewhere.

MR. WALPOLE said, that in reference to the observations of the hon. Member for Sheffield, he wished to express his regret at the absence of the hon. and learned Member for Wallingford (Mr. Malins), who was, perhaps, as conversant with this subject as any other man in the kingdom; but he would take care that the hon. and learned Member, and every other Gentleman who took an interest in the subject, should have ample opportunity for discussing the Bill. He knew what were the views of his hon. and learned Friend, and when they came to the clause referred to by the hon. Member for Sheffield (Mr. Hadfield)—the repeal clause—he would explain the Amendments which he proposed to introduce, and which he hoped would remove that hon. Gentleman's objections. He had prepared such Amendments on the clause to which the hon. Gentleman had alluded as would have the effect of remedying the inconvenience apprehended by the repeal of the clause in the Bill of last year.

House in Committee.

(In the Committee.)

Clause 1. (Writs of Execution of Judgments to be registered).

MR. HODGKINSON said, he wished to move an Amendment to prevent the expense now frequently caused by the registration of Crown obligations. At present, when a person became surety to the Crown

for malt or other duties his bond was registered against him in the Court of Common Pleas, and the effect of that registration was that the bond immediately operated as a mortgage not only upon the present property of the bondsman, but upon all his subsequently acquired property. This was not explained at the time of signing the bond, and the effect was seldom discovered until the surety had occasion to sell any of his property. A great inconvenience was sustained by the delay in relieving from this liability even the smallest amount of property which it might become necessary to sell under a railway Bill, or otherwise. The consequence was that maltsters and others found great difficulty in obtaining sureties. It was to remedy this inconvenience that his Amendment was directed. Its effect would be to place obligations to the Crown on the footing of ordinary judgment debts.

Mr. WALPOLE said, the object of the clause was to prevent judgments operating as a lien upon land to the damage of mortgagees or purchasers. Great expense and inconvenience were often incurred in consequence of the neglect or misconduct of the vendor in not affording the purchaser the means of ascertaining the existence of such encumbrances. The object in view was to simplify and not to complicate matters, and he for one should not be disinclined to include in the clause Crown debts as well as the debts of private individuals; but such a proposition had been twice submitted to the House, and the law officers of the Government for the time being on both occasions considered that there was an exceptional reason why Crown debts should be treated differently to judgments. In the absence of those learned authorities, however, it was not for him to offer any opposition to such an Amendment.

Sir GEORGE LEWIS said, his attention had not been particularly called to this matter, which affected more especially the financial department. He believed the Revenue Board were disposed to make a considerable fight for the retention of this security; but he could not at that moment absolutely express an opinion as to whether the Chancellor of the Exchequer would think it absolutely necessary for the protection of the revenue to retain the security precisely in its present state. Perhaps it would be better to postpone the point until his right hon. Friend could be present, as he understood the proposal was intended to affect not only all bonds signed after the passing of the Act, but all existing bonds. He suggested that the Amendment should be postponed for the present.

Mr. HODGKINSON said, he had no objection to confine the proposed Amendment to a prospective operation.

Sir GEORGE LEWIS observed, that in that case it might be possible that, provided arrangements could be devised for securing the revenue against loss, the department would not object to some such change as was suggested.

Sir FITZROY KELLY said, he thought it desirable that the consideration of the clause should be postponed, if the postponement would not interfere with the further progress of the Bill. He thought the Crown ought to make the concession asked for; but, regard being had to the present state of the Committee and the absence of the Chancellor of the Exchequer, the Government ought to have an opportunity of considering the matter.

Sir FRANCIS GOLDSMID said, it could not be the policy of the officers of the revenue to entrap anybody into obligations, and it was desirable to provide against any person being subjected to the danger of entering into an obligation without full notice of the consequences which it involved. He wished, therefore, to make a suggestion, which he thought would have that effect, without causing injury to the revenue. It occurred to him that if this Amendment were adopted, and the officers of the revenue nevertheless thought it right to have a charge upon the property of a debtor, it might be made part of the sum for which a debtor and his surety were liable.

Mr. ROLT said, that the clause under consideration proposed to effect a very great change in the law of real property. What was proposed was to sweep away the security which creditors by judgment now possessed, in having a lien on the land. When a judgment was recovered, an arrangement was entered into with the debtor that the debt should be registered, and thus a cheap and easy security was afforded to the creditor. That, however, it was proposed to sweep away, and the inevitable consequence would be that whatever judgment was now entered up against an owner of land would, the day after the present Bill came into operation, be executed, or the proprietor must give new security. If a measure for the register of the title to land were introduced, as the House had been led to expect, in the

course of the Session, this part of the system might be considered; but to deal with this small fragment or portion of the question in this summary way, was most injurious. It was to repeal, to a great extent, the statute of the 1st and 2nd Victoria, by which mesne process was abolished. As the law at present stood, a simple process existed by which a creditor could have a valid registered security against his debtor, without proceeding to extremities against him. This process it was proposed to abolish, and no substitute was proposed. The principle of the clause was not a lawyer's question, it was a public general question, affecting the rights of creditors and of the landowners of the country, although the details might be a lawyer's question. The consideration which the Bill gave to the rights of the Crown alone showed the importance of the measure. The alleged principle of the clause was to save the trouble of consulting the register; whereas the whole scheme of improvement in modern conveyancing went to refer every transaction to the register. He repeated that the subject ought to be treated as part of an entire scheme, and ought to be taken up rather by the Government than by a private Member of that House.

Mr. WHITESIDE said, he agreed with his hon. and learned Friend (Mr. Rolt) that the question was one of considerable importance. It was not the first time, however, that it had come before the House. When he had the honour of being connected with the Government, the whole principle was considered with respect to Ireland. He found nothing in the general law of the country that favoured the policy of making a judgment a lien on real property. The system of making judgments liens on real estate had given rise to great difficulties and complications in dealing with land in Ireland. Under the old system, the moment a judgment was obtained, it was registered and became a mortgage; off went the solicitor and obtained a receiver; the land was brought into the Court of Chancery, and every kind of embarrassment was experienced when it was attempted to deal with it by sale. He had attempted to settle this question, but his Bill had been put in the waste basket. He agreed in thinking that the subject was one that ought to be taken up by the Government. The Bill, however, had been prepared by Lord St. Leonards, and as he thought the clause before the Committee a good one, it should have his cordial support.

Mr. LONGFIELD observed that Crown debts in Ireland almost without exception were recognizances. He joined with his hon. and learned Friend (Mr. Rolt) in thinking that the two first clauses ought to be postponed, and if *sine die*, all the better. They operated retrospectively, depriving creditors of their security; and altogether the question was too large to be dealt with in a crude way by a couple of clauses.

Mr. HADFIELD said, that the present state of the law in this respect occasioned great expense, endless complication, and continual complaints, and was attended with no good result. He should like to make an appeal to the right hon. Gentleman the Home Secretary on the subject of Crown debts. Owing to the fact that they operated as a charge upon land, landed proprietors were repeatedly prevented from giving security. If any doubt was felt as to the security, an extent ought to be issued at once.

Amendment, by leave, *withdrawn*.

Mr. HADFIELD said, he would move, after the word "recognizance," to insert the words, "to be entered up after the passing of the Act." The effect of that would be to respect and keep in full force judgments entered up previous to the passing of the Bill, and to confine the operation of the Bill to judgments entered up after it became law.

Mr. HENLEY said, that the Amendments proposed in the clause bore out what had been said by the hon. and learned Gentleman (Mr. Rolt) as to the inconvenience of the fragmentary mode in which this subject was being dealt with. All that had been said in favour of the clause was that it would save a search in the registry; but he did not think it would have that effect. According to the Amendment proposed by the hon. Member for Sheffield (Mr. Hadfield), all judgments in existence previous to the passing of the Bill would remain in force. That, to begin with, would necessitate a search, which would be attended with trouble and expense; and if a man entered a memorandum on the registry of the issue of a writ of execution on a judgment one day before the conveyance of an estate was executed and the consideration money paid, that entry would operate as a lien upon the land, and would enable the execution creditor to hold the land in spite of the pur-

chaser. Besides, much had been said as to the inconvenience of judgments affecting land; but the clause under consideration would not relieve land from judgments, except in the special cases of sale or mortgage. Instead of its being a step to get rid of judgments affecting land, he had great doubt whether its effect would not be to clinch them. He thought purchasers would not only have to search the register; but also carefully to watch another office to see whether or not execution had been issued.

Mr. WALPOLE said, the objections taken by his right hon. Friend (Mr. Henley) were quite conclusive against the Amendment of the hon. Member for Sheffield. A judgment when entered up was not intended to be simply a security on land, but, once registered in the proper Court, remained as a lien on the land for twenty years to come; and the effect of the Amendment would be, on the sale or mortgage of any property, to necessitate a search for judgments for twenty years. His hon. and learned Friend (Mr. Rolt) had stated all the objections that could possibly be taken to the Bill. But what did those objections amount to? That judgments had been somehow considered as a lien upon land, and that it was now sought to take away that kind of security. There were two kinds of property—freehold and leasehold. A man, for example, had a freehold property worth £20 a year, but another, who was the leaseholder of the adjoining fields, realized thousands a year by letting the ground on building leases. What was the present state of the law? A judgment entered up could not affect the leasehold property, but it operated against the adjoining freehold, and hung like an incubus on the title to it. The Bill now under consideration would not affect the owner of an estate who did not intend to sell, but would simply operate in the interest of the purchaser or mortgagee of an estate who had become such by the payment of a valuable consideration. The effect of the clause, if passed as it stood, would be that a judgment, where execution had been issued and registered, would remain as a lien upon land for three months, and no longer, from the time when it was registered. In his opinion, the real objection to the clause was that it did not go far enough. If any objection could be taken to it, that objection was that they ought to declare by Act of Parliament that a judgment should not affect land unless a specific charge was created on land, which charge the judgment was intended to effect.

Mr. HENLEY remarked, that according to the provisions of the Bill the necessity of a search for three months at least was not obviated. It would still be necessary to search the register for that period.

Mr. BARROW contended that no purchaser was safe against a secret security given behind his back, so long as it was incumbent on him before making the purchase to search for judgments over a period of twenty years; and that ordinary transactions in the sale of small freeholds could not be carried on if a purchaser's security depended upon a search over so long a period. The charge on land created by a recognizance to the Crown prevented this Government from obtaining the better class of sureties.

Mr. ROLT said, it was absurd to designate a judgment as a secret security, for the truth was that in this country all securities were secret, except judgments which were patent upon the register to all the world. The whole cry of those in favour of improvements in conveyances was, that there ought to be a revision of the whole system, and that every transaction connected with the dealing with land—judgments, conveyances, equitable mortgages, and everything else—ought to appear upon the register. At present the only thing that appeared upon the register was the record of a judgment; and now a Bill was brought in which practically abolished that record. That was surely a curious *sequitur*. He repeated that the whole subject ought to be revised, and not that this security should be abolished without any substitute. The only argument in favour of the clause was, that it was a relief to mortgagees and purchasers. But as his right hon. Friend (Mr. Henley) had pointed out, the necessity for a search was not done away with. If the clause was to pass, he thought it absolutely necessary that the Amendment of the hon. Member for Sheffield should be incorporated with it.

Mr. DEASY said, he concurred in most of the observations of the hon. and learned Gentleman who had last spoken. He spoke with diffidence on a matter connected with English law, but it appeared to him that the effect of the clause would be, whenever a judgment was registered, that

the person registering it would be under an obligation either to levy the amount at once, or to require from the debtor some specific security by way of either legal or equitable mortgage. In Ireland, before 1850, judgments were a general security on land, but by Sir John Romilly's Act a judgment did not affect land till execution was issued, while at the same time power was given to any judgment creditor to register his judgment against particular lands. The consequence was, that when a judgment was obtained in Ireland it was registered, the person who obtained it immediately got a statutable mortgage on the land. He doubted, therefore, very much whether the Bill would facilitate in any appreciable degree the transfer of land, an object which it was desirable to facilitate, while, on the other hand, it would expose owners of land, who were not relieved from the obligation of searching, to considerable expense and inconvenience. He trusted the right hon. Gentleman would not press the clause.

Mr. MURRAY said, he thought the clause a useless piece of machinery.

Mr. M'MAHON said, he was of opinion that the sooner real estate was put on the footing of personal the better; and he regarded the clause as a step in the right direction.

Amendment *negatived.*

Sir GEORGE LEWIS remarked that if the clause remained a search would still be necessary; and he suggested the propriety of the omission of the proviso, the effect of which was to require a three months' search for judgments. On personal property a judgment created no lien; and if personal property were disposed of after judgment and before execution the sale was valid. If, therefore, the object of the clause was to place freehold property on the same footing in respect to judgments as personal property now stood, it would be well to omit the proviso, but he was inclined to vote generally in favour of the clause.

Mr. ROLT said, much greater alterations would be required in the Bill than the omission of the proviso, in order to meet the wishes of the right hon. Gentleman.

Mr. EDWIN JAMES suggested a postponement of the clause. The hon. and learned Attorney General had promised a Bill on the transfer of land, a most important subject; and there was actually pending before the House a Bill to alter the law of Bankruptcy and Insolvency, in which questions must arise with regard to judgments. He thought, then, the proposed enactment had better be postponed. He disliked this kind of fragmentary legislation. Still, if the clause were pressed, he should vote for it.

Mr. HADFIELD objected to an indefinite postponement.

Motion made, and Question put, "That Clause 1 stand part of the Bill."

The Committee *divided*:—Ayes 120; Noes 50: Majority 70.

Clauses 2, 3, and 4 *agreed to.*

Clause 5. (Extent of the Word Judgment).

Mr. LONGFIELD said, that he wished to know whether it was intended the Bill should extend to Ireland. If that was not intended, he hoped that words would be introduced to make that intention clear.

Mr. WALPOLE said, it was not intended to apply the Bill to Ireland, and the Attorney General for Ireland had given notice of a clause specially to exempt that country from its operation.

Clause 5 *agreed to.*

Clause 6. (Constructive Notice not to bind Purchasers or Mortgagees unless Conduct amounts to Fraud).

Mr. ROLT expressed an opinion that the clause would promote litigation and would lead to an alteration in the law without laying down any settled rule for the future.

Mr. WALPOLE said, the clause had been approved by the Judges and the legal Lords in the other House.

Sir GEORGE LEWIS said, the question was whether constructive notice was fraud according to the clause.

Mr. ROLT said, it often happened that persons wilfully abstained from inquiries which, if made, would have given them knowledge of facts.

Mr. LONGFIELD remarked that he thought the clause would in some cases protect *bonâ fide* purchasers, but in others it would give rise to litigation.

Mr. DEASY said, he was afraid the clause would lead to much litigation.

Sir GEORGE LEWIS said, the clause in removing one difficulty created another. He thought it would be better to strike the clause out.

Mr. HADFIELD said, they could not adopt a system of registration unless they did away with constructive notice. They must, in order to facilitate the transfer of land, give the owner of property the same

right as the owner of consols or railway shares.

MR. M'MAHON suggested that they should strike out the words, "Unless the purchaser or vendor shall have been guilty of fraud."

MR. DEASY said, the clause was so worded that it would leave much to the discretion of the Judges, as it altered the present rule of law and laid down no other.

MR. WALPOLE said, he trusted the Committee would agree to pass the clause *pro formâ*, and he would then take an opportunity of consulting the Attorney General upon it, and if the opinion of that hon. and learned Gentleman was adverse to it they could have further discussion on the Report, as to whether the construction put upon it by the hon. and learned Member for West Gloucestershire was correct or not.

Clause *agreed to*.

Clause 7. (Restriction of Effect of Waiver).

MR. M'MAHON said, this provision would affect leases already existing, and would violate as against the tenant the general rule which now obtained that the waiver of a condition operated as a general waiver, and was not restricted to the particular case.

MR. WALPOLE denied that the clause was retrospective, and said that it only assimilated the law of England to that of Ireland. It was not reasonable that, where, for example, there was a continuing covenant, a waiver of a breach of the covenant in one particular instance should operate as a general waiver of all breaches.

MR. NEWDEGATE said, he would put this case. If a tenant, because he had once broken up half an acre of land, was to be allowed to go on breaking up acres of land, as the suggestion of the hon. Member for Wexford (Mr. M'Mahon), would allow him to do, there would soon be an end to the enjoyment of property.

MR. LONGFIELD said, the object of the clause was to get rid of the rule in Dumper's case, which Lord Mansfield said was a case always wondered at and always followed. He should support the clause.

Clause *agreed to*.

Clause 8. (Provision for Cases of future and contingent Uses).

MR. ROLT said, that in practice, the doctrine of *scintilla juris* was now really never heard of, and the clause therefore merely galvanized a fossil to kill it again.

MR. WALPOLE replied that the clause would at all events do no harm, and it would have the effect of rendering unnecessary the learned chapter in *Sugden on Powers*, which was so puzzling to students.

MR. ROLT: So that we are to have an Act of Parliament in order that certain chapters may be left out in the next edition of Lord St. Leonards' book.

Clause *agreed to*. Clause 9 *agreed to*.

Clause 10. (Costs of unnecessary Length of Abstracts of Title to be disallowed).

MR. HADFIELD said, that under the Act of last year persons who concealed any document material to the title might be indicted for a misdemeanour and imprisoned for two years. This provision naturally rendered solicitors cautious how they omitted anything from the abstract of title, and in one instance which had come to his knowledge, the Taxing Master thought the clause justified the insertion of abstracts for which they would not otherwise have been allowed to charge. But the effect of this clause, added to the clause of last year, would be that if a solicitor did not abstract a deed he was liable to indictment, and if he did abstract it, though probably advised by counsel to do so, he would not be allowed to charge for it. He intended to move for the repeal of the former Act, and in the meantime he should oppose that clause.

MR. WALPOLE said, the Act of last year provided against a gross act of fraud, by which a purchaser might be deprived of property which he had purchased. It simply said that where a seller of land or his attorney or agent concealed any instrument, deed, or other document material to the title of the purchaser, or falsified pedigree on which a title depended, in order to induce a purchaser to accept such title, with intent to defraud, then he or they should be deemed guilty of misdemeanour. No prosecution could take place, however, without the sanction of the Attorney General, and, that being so, there was no reason why an abstract of title should be loaded with abstracts of deeds which were totally unnecessary except to swell the profits of the solicitors.

Clause *agreed to*; as was also Clause 11.

Clause 12. (Repeal of Sec. 32nd of 22 & 23 *Vict.* c. 35).

MR. WALPOLE said, he was anxious to explain the course he meant to take with respect to this clause. By the rules of equity, when a person by deed or will gave to his trustees the power of investing money in Real Securities or Government Stock, the Court of Chancery decided that the trustees could make investments in

mortgages on land or in Government Stock only. No trustee was permitted in such circumstances to invest any property of a testator in Bank Stock or East India Stock. A great hardship arose from this rule; for when a trustee found money invested in Bank Stock he was compelled to call in the money and invest it in Three per Cent Consols. The rule was that no person was entitled to invest money in a way that would be injurious to the remainder, man; but, inasmuch as Bank Stock or East India Stock was quite as good for the person in remainder as Three per Cent Consols, there seemed to be no reason why such a rule should now exist, however strongly it might have been called for in years gone by. Accordingly a clause was introduced into the Bill of last year to remedy this grievance, and it was that clause which the 12th Clause of the present Bill proposed to repeal. The Judges in the Court of Chancery thought the clause of last year was not free from ambiguity, and hence the reason why the House of Lords proposed to repeal it. He was in favour of the principle of the clause in the Bill of last year; but, considering that its language was somewhat ambiguous, he had proposed two clauses which he now intended to move in case the former clause were repealed. The clauses he had prepared were in substance the same with that in last year's Bill, only, he hoped, somewhat more clearly expressed; and he had introduced two alterations, one providing that the clause should not come into operation till November, and the other that the powers given to trustees should extend to investments in Stock of the Bank of Ireland.

Mr. ROLT said, he thought the clause of last Session vicious in principle, and that it ought to be repealed. The Courts of equity simply held that plain words ought to receive their plain meaning, and that when a man, by his will, said his property should be invested in Consols, it ought to be so invested; but the clause of last Session said the will of the testator was not to be carried into effect, but that the property might be invested in Bank Stock. He did not wish that the repeal of the clause should prejudice any act done while it existed, but he hoped it would be repealed, and he might observe that he had the same objections to the clauses prepared by the right hon. Gentleman (Mr. Walpole) as to the clause of last year.

Mr. MALINS said, the rule of the Court of Chancery up to last year was, that if a testator gave specific directions as to the investment of his property those directions were followed; but, if not, that the trust funds must be invested in Real Security or in Government Security. The consequence was that it very often happened that, though a testator's property was invested in good and profitable security, the trustee was obliged to draw it out and reinvest it in the Three per Cent Consols, to the ruin, perhaps, of the family. Why should a trustee be prevented from investing in Bank Stock or East India Stock, which gave a much more profitable return, than the Three per Cent Consols? He would agree to the repeal of the clause of last year only on condition that the clauses proposed by the right hon. Gentleman (Mr. Walpole) were to be afterwards adopted.

Mr. ROLT explained that he did not object to the trustee being allowed to invest in Bank Stock and East India Stock if the testator said nothing on the subject.

Mr. HENLEY said, he took a view different from that taken by the hon. and learned Member for Wallingford (Mr. Malins). He objected to giving power to a trustee to invest money in Bank Stock or in East India Stock when the testator wished it to be laid out in Government securities. He was not friendly to the clause of last year, and did not care whether it was repealed or not, especially as its application by the Court of Chancery had been extremely limited.

Mr. BERNAL OSBORNE observed that the speeches of the opposing counsel had been so contradictory that he could not say how the question now stood. There could be no difficulty, however, about this clause, which came home to the case of every trustee. Everybody might understand it, and he supposed that that was the reason why the gentlemen of the long robe were opposed to it.

Mr. DEASY observed that on the whole it would be better to retain the clause of last year.

Sir FITZROY KELLY said, the House seemed to be of opinion that the clause of last year should be substantially retained. Doubts as to the exact meaning of that clause had, however, arisen in the Court of Chancery, and therefore he thought they ought to adopt some provision less ambiguous. The difficulty had arisen as to the true meaning of the words "East India Stock," for since the Bill of last

year passed new East India Stocks had been created. Perhaps the difficulty could be got over by inserting in the clause of last year the words "any East India Stock formerly the capital stock of the East India Company."

Mr. PULLER remarked that if the clause were struck out it would be necessary to declare with regard to future investments what description of East India Stock was meant by the Act of last year.

Mr. AYRTON considered that it would be necessary to alter the clause, for no one could either understand it or act upon it. He should vote that the clause be expunged.

Mr. LONGFIELD said, he believed it would be better for them to retain the advantage which they enjoyed under the clause in the Measure of last Session than to run the risk of forfeiting that advantage by repealing that clause, with a hope that they might afterwards get a better one.

Mr. WALPOLE said, that as far as he was personally concerned, he had no objection to their retaining the clause of last Session and omitting the clause in the Measure which was then under their consideration.

Mr. Alderman SALOMONS said, he thought there ought to be no misunderstanding as to the description of India Stock that was really meant.

Mr. MALINS said, he agreed with the hon. Member (Mr. Longfield) that as they had got something good in the Act of last Session it would be better to be satisfied with it until they got something better. He should, therefore, vote to expunge the clause.

Clause *struck out.*

Mr. WALPOLE said, he would then move the insertion of the Clauses to which he had referred.

Mr. DEASY said, he did not see any reason why the clauses should not apply to Ireland.

Mr. WALPOLE said, he had no objection that they should do so.

Clauses, as amended, *agreed to.*

Mr. HADFIELD said, he would then move a clause enacting that Clause 32 of the 22 & 23 *Vict.* c. 35, shall operate retrospectively.

Clause *agreed to.*

House *resumed.*

Bill *reported* with Amendments.

House adjourned at a quarter-after Five o'clock.

Sir Fitzroy Kelly

HOUSE OF LORDS,

Thursday, April 26, 1860.

Minutes.] Public Bills.—1ª Weights and Measures; Public Improvements; Pawnbrokers Act Amendment; Petitions of Right; Law of Divorce (Ireland).

2ª Union of Benefices.

UNION OF BENEFICES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The Bishop of LONDON, in moving the second reading of this Bill, said, it would be in the recollection of their Lordships that two years ago his right rev. Friend the Bishop of Exeter obtained the appointment of a Committee to inquire into the spiritual destitution existing in the metropolis and other populous places. Their Report had been circulated throughout the country, and very important results had flowed from it. Many earnest efforts had been made to remedy the evils there pointed out, and he only spoke, he believed, the sentiments of the Members of the Committee when he said that the self-denying efforts of the clergy in those populous places were more appreciated now than they ever were before. These men laboured in courts and alleys, with scarcely any hope of temporal reward, and with very little to cheer them except the approval of their own consciences; and, indeed, if it were not for their exertions there would be danger of the social system of our present complicated state of society almost collapsing. But their Lordships were entitled to expect some more definite results from the Report, and when the Committee was appointed, he ventured to point out two legislative results as likely to flow from it. The first was the adoption of some change in the system which the Ecclesiastical Commissioners had hitherto, under the authority of Parliament, been obliged to follow in the distribution of their funds, and that the principle might be recognized—that where the Church held property on which a great number of persons were gathered together as occupiers, that it was the first duty of the Commissioners where the rents were paid into their hands, to provide for the tenants of the church before the rents of such property were added to the Common Fund applicable to the whole country. He hoped they might look for some legis-

lation this Session in accordance with the recommendation of the Committee on that point. The second point on which he had ventured to anticipate legislation, and which he had attempted to embody in the Bill to the second reading of which he now asked their Lordships to assent, was that in parishes once populous, but now populous no more, and where there were, if not large, yet considerable endowments for religious instruction, the funds might by some better arrangement be made more available for the spiritual wants of the poor; and that the pastors might, in such circumstances, be relieved from the unpleasant position of being pastors in name only, having under their care dead stone walls rather than living souls. It was to remedy that state of things, in the City of London especially, that this Bill had been framed. There were other places to which the same principle might apply; but this Bill had been especially prepared in relation to the state of things existing in the City of London. An illustration would show what he hoped to accomplish. In the City of London this happened—two parishes adjoined each other; the one was rich and endowed with revenues yielding £2,000 a year, while the population, although the parish was one of the largest in the City, was only between 800 and 900, and the number of poor 100. The erection of warehouses had driven the poor of many of these parishes to seek their residence elsewhere. The very next parish to the one first mentioned contained 15,000 persons, mostly of the humbler class; and the means for their religious instruction, so far as endowments went, amounted to nothing at all, the clergyman having to subsist on such fees as could be collected in his church, and the average sum raised by those fees for the spiritual supervision of 15,000 souls was £150 per annum; out of which, moreover, house-rent had to be paid, there being no parsonage for the incumbent. His object, therefore, was that the wealthy parish with the small population should contribute to the necessities of its poorer and more populous neighbours, or rather that the wealthy parish should contribute to the spiritual instruction of those who, notwithstanding the imaginary boundary line between them, were really its own poor. The case he had described was, he was bound to say, an exceptional one. It was generally supposed that the incumbents of the City of London were very wealthy; and certainly some of them were very well provided for. But both in the richer and the poorer parishes the state of things was very unsatisfactory. The clergyman could not attract to his ministrations on Sunday more than thirty, forty, fifty, or at most sixty persons:—not from any fault of his, but because there was little or no population. As their Lordships were aware, entire parishes were occupied by warehouses; and, notwithstanding that in some of them young persons connected with trade lived during the week—though even that was the exception—yet on Sunday they naturally went to see their friends in the country. It was, therefore, a hopeless task for the pastor, however zealous, to attempt to draw around him a satifactory congregation. What made the matter worse was, that comparatively few of the City parishes had parsonage houses; where they did exist, in some cases generations had passed since the clergymen had occupied them, and they had been converted to other uses; and as the law allowed every clergyman who had not a residence found him to live anywhere within two miles of his church, it very naturally happened that many of the City clergy lived at a distance from the sphere of their labours. Moreover, as the incumbencies were mostly very poor, it was impossible for the Bishop to order the erection of parsonage houses. The consequence was that the evil of non-residence existed to a greater degree in the City of London than in any other part of the kingdom. The present Bill sought to open up the means whereby this evil might be removed, and, by amalgamating different parishes, to secure that the pastor should live in the midst of his flock. He was now only asking their Lordships to continue an Act which had already existed, but which, having been passed for five years, would expire in August next. At the same time, he had undertaken to make considerable alterations in that Act, because, owing to the complicated state of things with which it had to deal, it had proved inoperative. About three years ago the subject had received renewed attention, and he had put himself into communication with his clergy. The clergy of the City of London and its liberties, formed an ancient corporation, called Sion College, and that body had devoted great attention to the present Bill. They had appointed Committees among themselves; they had caused to be made—what he believed did not exist be-

fore—a very accurate map of all the numerous parishes of the City of London and their boundaries; and they had issued inquiries to members of their own body, which had been generally responded to, giving the information necessary to understand the state of those parishes. They had also published several reports containing a narrative of their proceedings; all of which showed the interest taken in this measure by the clergy of London. The clergy were almost unanimous in favour of such a measure as that he now laid on their Lordships' table. Of course, in so intricate a matter there were many details upon which persons might vary, but he believed that on the general principle there was very little difference of opinion. He should, however, have neglected his duty if he had confined himself to obtaining the opinions of the clergy only; because in a matter like this, which contemplated extensive alterations of existing boundaries, the laity were as much interested as the clergy. He had been fortunate enough to secure the assistance of two among the Members of the Lower House of Parliament, both highly respected and influential in the City, who became, with three of the clergy he had named, members of a Commission to endeavour to apply in one important instance the Act which expired this year; and it was upon the difficulties which beset their endeavours to carry out that Act that the present Bill had been based. He, therefore, believed that he was entitled to recommend this Bill to their Lordships' favourable consideration as being a thoroughly practical measure, based on the actual difficulties which had been found in the way of carrying out what their Lordships had fully sanctioned as the existing Act of Parliament. This matter involved a great many interests, some belonging to the clergy, others to the laity, and where so many personal interests were concerned, it was only natural to expect that some opposition would arise to its provisions. It was so when the former Bill was passed. Considerable discussion took place, and advantage was taken of the excitement which existed as respected some of its provisions by persons who were animated, he feared, not so much by religious as by personal motives. He therefore felt it incumbent on him to show that the improvements he sought to effect could not be obtained without a new Act of Parliament. It was said, as this Bill recited two existing Acts of Parliament, both for the union of parishes, why not proceed on these Acts? There was also another power in an existing Act, by which they might tax a rich parish for the endowment of a poor one, where the patronage of both was in the same hands—why, therefore, should they not be content with the existing law, when to attempt fresh legislation was sure to provoke a great deal of opposition? Now, the reason why they could not be content with existing Acts was this, that these Acts were found, from the complicated state of things in the City of London, to be incapable of application. Their Lordships were, perhaps, aware that in a space of one mile in length, and half a mile in breadth, there were in the City of London fifty-eight different parishes; that within that space, in a limited area about the size of Grosvenor Square, there were in some instances four, and in others five churches, each belonging to a separate parish. If they were to deal with such a case as this, and so to alter the arrangements of these parishes that they shall be made available for other parishes at some distance, it was impossible to apply the machinery of the existing Acts. The City of London, he had stated, contained fifty-eight churches in a very limited area. They were generally in the habit of supposing when they entered Temple Bar they entered the City of London; but they must travel along for half a mile till they came to the site of the ancient Ludgate, the entrance of the City proper, between which and Aldgate, in a space, as he had said, of one mile long and half a mile broad, there were no fewer than fifty-eight churches and parishes. These churches were erected, most of them, at the time of the fire, representing as many as ninety-two churches which had been destroyed at that time. After the fire, in the time of Charles II., it was intended in rebuilding the City to reduce the number of churches from ninety-two to thirty-one, and the first Act passed in that reign contained provisions for the reduction of the churches in that space to thirty-one. Some difficulties however arose, and the number of fifty-eight was finally fixed upon. The City of London was then inhabited in a very different manner from what it was now. Turning to the pages of the great historian, they found an account of what the City then was—the very heart and centre of London life. Even at that time, although men had already begun to spread their houses beyond

The Bishop of London

the City, in the time of Charles II., the Duke of Buckingham and Lord Shaftesbury had their houses in the City; and though it was true that Covent Garden and Lincoln's Inn Fields were at that time beginning to be overspread with great houses, London proper, the City, was nevertheless full of habitable houses. At that time the solitudes of Islington and the wastes of Marylebone had no houses in them at all, and such persons as now lived in those places were all crowded in the City. Yet, even at that time it was the decision of those who looked carefully into the matter, that thirty-one churches would be sufficient for the City of London. It was found impossible to carry out that arrangement, and, accordingly, when the churches were rebuilt, fifty-eight were erected within the space he had described. What the state of things was which originally called into existence ninety-one churches in that very limited space, it was scarcely possible for them at this time to understand. These parishes never could have contained any very great number of persons, though each of them was the centre of some parochial life. But between the walls of old London and the outer fortifications, as *e.g.* between Ludgate and Temple Bar, there was a space in which large parishes existed; the whole of the smaller parishes he had described were belted round with large parishes. The space between the walls and the outer fortifications was probably intended, at an early period, as a receptacle for cattle in a time of danger; but in progress of time these wastes had become overspread with habitations. The practice, however, appeared to have been for the citizens to erect their parish churches close to their houses, and to make little provision for those who lived immediately outside of the walls. It was to enable them to deal with this state of things, to make what was merely a reminiscence of the past a Church really active at the centre, to relieve the clergy of the great difficulty under which they laboured, and provide for the spiritual wants of the poor lying in thousands around this narrow space, which was at present so unprofitably occupied, that he brought this Bill now before their Lordships. The object of the Bill was, in the first place, to enable them to take down some of these churches under particular circumstances. He was quite aware that it was treading on dangerous ground to talk of taking down churches in a day when so many efforts were being made for erecting them. But his trust was that, for every church taken down, another would be erected somewhere else in a more populous neighbourhood. It might be that the funds raised under the operation of this Bill would of themselves enable them to erect these churches; but those who were acquainted with the difficulties of church-building were aware that it was not generally the erection of a church, which, after all, was the great difficulty—the great difficulty was to find the endowment for the clergyman. He confidently anticipated that if it were found necessary, as, no doubt, it would be, to take down some of these churches, which were of no use; for every one so taken down in places comparatively uninhabited, there would arise another in some place that was teeming with inhabitants. Then it was said, with great reason, would it not be an act of barbarism to take down such buildings, some of which were the most beautiful in the land, consecrated by the genius of Wren, or the more ancient structures—such as St. Helens, or St. Bartholomew's, which carried us back, amid the hubbub of modern life, to those early times, to which it was good for us sometimes to be recalled? The safeguards introduced into this Bill, he believed, would effectually prevent such desecration. The process by which the whole arrangements were to be executed would effectually prevent the removal of any of those buildings consecrated by the reminiscences of the past; but those who were practically acquainted with the City churches, probably knew that some of them had neither beauty, nor antiquity, nor usefulness to recommend them. There was no great reason, therefore, why they should hesitate to remove them. He was aware that a very difficult and tender question remained—with respect to the dead, who had been buried within their vaults. They were told, in a Report lately published, that as many as 11,000 of the dead slept in leaden coffins below these churches; and he remembered that when a similar measure had been advocated five years ago by his revered predecessor, the images of the departed friends of families still in existence had been conjured up to prevent any practical result from being arrived at. These objections, however, he feared were not always raised by the relatives of persons buried in the City churches, but by persons whose pecuniary interests were involved, who, taking ad-

vantage of the popular feeling of reverence for the dead, had sometimes succeeded in getting the measures rejected. He (the Bishop of London) had, however, provided that the consent of the Secretary of State for the Home Department, as well as that of the Archbishop of Canterbury, and of the Bishop of the diocese, together with that of the patron, and, where they could be ascertained, the concurrence of the relatives of the deceased, should be necessary before any such removal as that which he proposed should take place. Moreover, their Lordships must not suppose that he was submitting a measure to their notice for laying waste a great number of churches, inasmuch as it was only by the operation of a gradual process that his object would be effected. It was, he might add, found necessary every year to carry into effect, in some one instance or more, by means of an Act of Parliament, a change quite as great as that which he sought to bring about; so that, if the Bill were passed into a law, a system would be established whereby the same result as was now annually accomplished, would be achieved, without being attended with considerable expense, and with the full consent of the parties interested. He felt confident, moreover, that if the Bill were agreed to, the removal of the dead, in case the necessity for such removal should arise, would be effected in such a manner that it would never shock the feelings of a single individual. He did not propose to establish any new machinery with the view of attaining the object which he sought to attain. He provided that the Ecclesiastical Commissioners should still continue to be the authority to deal with the question; that the consent of the patron and the Bishop of the diocese should in all cases be obtained; and that eventually the whole matter should be deliberately settled by an Order in Council, the vestry and the churchwardens being afforded a full opportunity of being heard. Every thing should be done with the greatest possible consideration. He proposed that when it appeared to the Bishop of any diocese in England and Wales that an union of benefices might with advantage be effected, he should have power to issue a Commission, consisting of three clergymen and two laymen, with authority to inquire into the expediency of the proposed union; that in the case of the parishes being situated within a city or borough, the two laymen should be nominated by the Corporation; and that proceedings should be taken only upon the Report of the Commission so constituted. Having said thus much, he should not detain the House longer, were it not that he desired briefly to refer to certain prejudices which might be created against the Bill, because of certain projects for the sanitary reform of the City of London. With respect to this subject, a calculation had been made, tending to create alarm, to the effect that, besides the 11,000 corpses he had already mentioned as having been deposited in the vaults of the churches, there were beneath the churchyards in the City 48,000 tons of human remains. It was not, he thought, quite called for that such a statement should be put forth as directed against the present Bill; because it was quite obvious that, if we were to take any city in the world, and enter into a calculation of the numbers of the dead who lay beneath its streets, a panic upon sanitary grounds might be created. He thought it would have been better if that statement had been omitted from the Report; but as the fact had been mentioned, there would be laid on the table the opinion of high authorities to show that the operation of this Bill would in no wise have a prejudicial effect on the health of the people, and that they might sleep in their beds in perfect security that any apprehension of injury to the public health was unfounded. Before he resumed his seat he should wish briefly to refer to the somewhat exaggerated notions which seemed to prevail as to the wealth of the incumbents of the City of London. A few of them, it is true, were wealthy, but the majority were poor. From an interesting speech of Bishop Horsley on the mode in which the City clergy were paid, it appeared that in ancient times they received the small fee of one farthing on every 10*s.* rent for every fast day of a certain kind throughout the year. In the time of Henry VIII., however, an arrangement had been made by which it was settled that 2*s.* 9*d.* in the pound on the rental for every house in the parish would remunerate the clergy in lieu of the sum which they had formerly been in the habit of receiving in the shape of fees. Subsequently, at the period of the great fire, a new state of things had been introduced, and a fixed money compensation instead of the charge of 2*s.* 9*d.* had been introduced; but the changing value of money had rendered that compensation so inadequate that

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the clergy of the City of London had in consequence been reduced to great poverty. With the view of remedying that state of things, an Act of Parliament had been passed, which, however, proceeded on the same vicious principle of a fixed money payment; so that the remuneration still continued inadequate from a similar cause. In former times, however, the difficulty was in a great degree obviated, inasmuch as the system of pluralities existed. That state of things had since been most wisely abolished and the result was that the majority of the clergy of the City of London were at the present day poorly remunerated. He hoped, therefore, that by assenting to the present Bill the House would place the clergy in the position of having a house in which to live, and afford them, if not enough to support them, at least something approaching to that amount. He might also observe that in dealing with the question of the union of benefices he did not seek so to amalgamate different parishes as to make them actually one parish for temporal purposes. They might, therefore, for such purposes have as many churchwardens as was deemed fit, and a vestry and clerk for each; his object was simply to unite them together for the promotion of spiritual objects. There was one more point connected with the small parishes of the City of London. It was said they afforded a maintenance for learned clergymen, and that it was not desirable all the clergy should be so overpowered by their pastoral work as to have no time for study. No one would object to any system that tended to do away with a class of learned men in the Church more strongly than he would do. He believed there had been too great a tendency to this result in some of the recent legislation as to cathedrals. He should be sorry that the good effect ascribed to the small City parishes in this respect should be interfered with. But he was convinced that the passing of the present Bill would be productive of no such evil, and that under the change which it would introduce learned men would be able to obtain benefices in which they could combine more satsfactorily than they could now do the gratification of their literary tastes with the performance of their clerical duties. A benefice of moderate size, with a residence, instead of a house for which a high rent must be paid, would be more favourable to literary pursuits on the part of a clergyman than the present system. For the sake, then, of the clergy of the City of London, for the sake of those poor persons who still lived within the City, and could not at present be properly attended to by their clergy, and for the sake of those poor who lived on the outskirts of London, and were to be counted by thousands, and whose spiritual wants could not be neglected, but must be neglected if Parliament did not adopt some such change as that which he recommended, he begged leave to ask their Lordships to give a second reading to the Bill.

Moved, That the Bill be now read 2ª.

The Earl of CARNARVON said, he quite appreciated the motives which had influenced the right rev. Prelate in introducing this Bill; but he trusted the House would give full attention to the measure before they proceeded further with it. He believed that the measure involved questions of such gravity and importance that it would require the most careful consideration at the hands of their Lordships before they gave their assent to all its provisions. The right rev. Prelate had very truly said that the Bill was a continuance of the provisions of an Act passed in 1855; but it was also a very material enlargement, and in some cases a departure from those provisions. Many of their Lordships were aware that in the year preceding a great difference of opinion arose out of this subject, and the question was at last referred to a Select Committee, on which he had the honour to serve. A Bill was then sketched out, which was considered a compromise, and taken as the result of an understanding on many disputed points, which Bill passed in the following Session. The cardinal point of dispute and subsequently of compromise was the conditions under which the pulling down and the sale of church sites were to be effected. It was then agreed that those sites only should be sold where no interments had taken place; but this was absolutely thrown over by the present Bill, which legalized, subject to certain consents of almost a formal character, the sale of church and churchyard. He must say that in a Bill which professed to be a continuance Bill, continuing the provisions of the Act of 1855, it would have been safer to have followed in the framing of this measure the wording and construction of the clauses of that Act. But a reverse course had been adopted; he ventured to say that their was scarcely one single clause in the Bill, though identical in substance with the Act of 1855, which

was not so ingeniously inverted that it was very difficult to see what were the real alterations which had been made; and in two or three instances, very material changes in the sense of the Act of 1855 had been made. The entire machinery of the Act of 1855 appeared to have been altered. (The noble Lord then compared several of the clauses for the purpose of showing the variations.) Another point was that the Bill purported to apply to England and Wales; but the right rev. Prelate throughout his speech confined it almost entirely to the necessities of the diocese of London. It was right that they should properly understand the application of this measure. If it applied to the whole of England and Wales, let it be discussed upon that principle; but if on the other hand it was simply a question of the diocese of London, then limit the application of the Bill to the diocese of London. He would not follow the right rev. Prelate into the large and general questions he had raised; but in this particular measure very large powers were given; and he wished to impress upon their Lordships the necessity of giving deliberate consideration to the proposition before they sanctioned such extensive changes.

THE BISHOP OF OXFORD said, he had felt it his duty to oppose very strongly some of the clauses of the Bill of 1855, and more especially that which related to the power of selling consecrated ground in which the dead had been laid to rest. He entertained precisely the same objection to a provision of a similar description in the measure which they were then discussing, and he wished *in limine* to remind their Lordships of what seemed to him a strong reason why they should not agree to the proposal which they were now asked to sanction. He had no objection to selling the site of a church if no burials had taken place underneath the edifice, because he believed that the consecration of a church was nothing more than attaching the idea of dedication to the building in which the faithful assembled for the purposes of Divine worship; and if the building was removed, all the idea that had been morally and spiritually attached to it by the Church's Act was removed also, and there remained nothing but the mere soil on which the edifice had stood; which, as it seemed to him, was invested with no sanctity whatever. But, in his judgment, the site of a churchyard stood on an entirely different footing. The Church, by consecrating such a site, had entered into a moral engagement of the highest conceivable character, that, so far as its acts could go, the bodies of the dead would not be disturbed. If the State, exercising its supreme power, overruled the power of the Church, and required the removal of those bodies for the public good, he had nothing to say against such a proceeding. A superior power there intervened, and the compact between the Church and those who had laid their dead in the consecrated soil was not violated by the Church. But it appeared to him that the Church would directly violate the engagement involved in the act of consecration for the sake of the compensation if she were to sell the ground which had perhaps been rendered more valuable because the consecration had prevented its being built upon. He could not understand the bringing in of any Act to enable the Church to sell sites that ought to remain undisturbed. An alteration in the 15th clause to that effect would meet his objection, and he would insert after the words, "to legalise the sale of the site of churches to be pulled down," the words, "unless any burial shall have taken place on the said site," so that in this way an *estoppel* might be put on selling the site. Though it was a secondary objection, he might mention that in a recent sanitory report sent into the Government, it was stated that there was nothing so dangerous as disturbing these old sites in churchyards, and that there was no calculating, upon physical grounds, what amount of evil might break out by disturbing the dead in the churchyards of these parishes in the shape of diseases that had disappeared amongst us for a long time past. There was another great objection to the Bill as it stood. The right rev. Prelate had drawn the Bill absolutely and entirely for the metropolitan diocese, and without great alteration it would be inapplicable to any other diocese. Whilst moving in this highly revolutionary direction, however needful, a very strong case should be made out before they attempted further changes, and it was very desirable that, if the Bill was intended for the metropolis, they should first of all try it for the metropolis, and it might then be easily extended to other places. Apart from the technical difficulty, he trusted his right rev. Friend would let this Bill be dealt with as only affecting the metropolitan district, in which case one of his most serious objections would be removed. He

objected also to the 11th clause, in which unlimited power was taken for a transfer of the endowment of a rich to a poor parish, and which seemed to him to be necessarily capable of application in the case of large livings over the whole country. If the House admitted the principle that a parish worth £800 a year could be served at £500, and that they might take away the £300 and give it to a poor neighbourhood, it might naturally be asked what has the neighbourhood to do with it? and why should they not apply the same principle to the whole country, and transfer to Manchester and other places the superabundance of these better livings? If they were prepared to do that they were prepared to do an entirely revolutionary thing, and therefore he thought some limitation should be introduced. It was said that many of the attendants at these City churches had migrated to neighbourhoods close by; if so, let the change be provided for in the Bill. There were other objections that were chiefly matters of detail. He trusted that the 17th clause which empowered the Bishop to grant the use of additional churches left standing to the services of any denomination of Protestant Dissenters would be struck out altogether. In the first place, they could not limit the particular kind of Protestant Dissenters to whom such permission should be given, and there were some to whom, he thought, the House would be very unwilling that it should be granted. The Socinians of North America and the Mormons of the Salt Lake District would be entitled to come in under this uninhabited churches clause. It would be found to be impossible to deal with various sects drawing distinctions so nicely as to admit one and leave out another. The effect of this clause would be to open a door to principles which, if carried to their legitimate extent, would sanction the conclusions of those who claimed the churches as the common property of all sects and denominations of religion. He objected also to the 27th clause, which sought to introduce a wholly new system in reference to the appropriation of pews or seats in the churches of the united parishes, and no advantage, he thought, would be derived from introducing the machinery of the Ecclesiastical Commissioners. With reference to the representation of the different parties he thought the inclusion of the archdeacon, incumbent, and others, would be a fair representation. He would suggest these as matters for consideration in Committee.

Lord REDESDALE said, he entirely agreed with the right rev. Prelate (the Bishop of Oxford) that this Bill should be limited to the City of London. As to the question of whether so doing would make this a Private and not a Public Bill, it certainly would have no such effect. Occupying as he did a position in the House, he must protest against a disposition to treat measures which dealt with matters of great public importance as private Bills. This Bill referred to a question which had been brought before their Lordships for a very long time, and he had taken such interest in the matter that he had last summer attended Divine service in very many of the City churches, to see what took place within them; and he would recommend those of their Lordships who were fond of a walk on a Sunday morning to do the same. He found those churches very well served, notwithstanding the smallness of the congregations and other discouraging circumstances. In no one single instance did he witness the slightest carelessness in the conduct of the service. Upon the whole, the service was better performed in these City churches—so far as his experience went—than in many of the chapels at the west end of the town. The attendance of school children, small as many of the parishes were, was good; though he remarked with regret that there was only a small attendance of poor; but that was not remarkable merely in the City. First, second, and third class seats were all very well in a railway train where people had to pay; but he protested against the principle of providing third class seats for the poor in churches. He believed that more persons of the humbler classes would attend if they could find seats without inconvenience; and without being placed in an inferior position with regard to the rest of the congregation. Some of the City churches were not very large, but most of them were pewed up from one end to the other, and in many there were pews of the most objectionable kind, in which the people sat face to face so closely, as almost to preclude devotion, or at any rate kneeling. He noticed that though there might not be a large parochial attendance, there was a large moving population around, which would more than fill these churches, and he was confident that a great many more persons would attend them if accommodation were found for them. He had

not fully considered the details of the Bill, but he had no great objection to the principle upon which it proceeded. In many instances churches might be pulled down with great advantage, and wherever livings were united, he should prefer having one of the churches removed rather than incur the risk of the disused church being subsequently devoted to exceptional purposes. He did not think that the union of parishes and pulling down churches should be carried to the extent which some persons contemplated. In carrying out the objects of the Bill he trusted that the Right Rev. Prelate would bear in mind that there was always in this Metropolis a large number of strangers for whom Church accommodation should be provided, and he believed that many of the City churches, and particularly those in the great thoroughfares, might be rendered available for that purpose by being properly reseated, and obtain the attendance of large congregations.

Earl GRANVILLE said, that the principal part of the conversation which had taken place on the second reading would have been more appropriate to a discussion in Committee. The noble Lord the Chairman of Committees admitted that the congregations were extremely small, but seemed to think that a different arrangement of pews would fill the City churches. If that were so, it would be a valid objection to this Bill; but in his opinion it was too much to suppose that any such effect would be produced. He agreed that the Bill had better be limited to the metropolitan district; and he hoped his right rev. Friend the Bishop of London would take that suggestion into his consideration. He did not think that it should be confined entirely to the City of London.

The Bishop of EXETER said, that as it would be impossible for him to attend the Committee, he would now express his earnest prayer that their Lordships would reject that clause which contained a permission to grant the use of those churches which might not be wanted to other protestant congregations. "Protestant" was a very vague term, and under it might be included the Mormons of America and all those who professed to be Christians, and who were not Roman Catholics, but who differed very much from the Church of England on points of doctrine which the Church of England thought essential to salvation. It would be improper for the Church of England to hand over such churches so that they might be used by other denominations.

The Earl of DERBY said, he wished to submit some difficulties which he felt with regard to the course which it was intended to pursue. The noble Earl the President of the Council intimated his approval of the suggestion to confine the operation of the Bill to the Metropolitan Diocese, and it had been supposed that if it were confined to the City of London it would have the effect of making it a private Bill; but he understood his noble Friend the Chairman of Committees to be of opinion that, although it should be confined to the City of London, it would not be a matter of local, but of general concern, and therefore should be treated as a public and not as a private Bill. The view of his noble Friend seemed reasonable. He did not see how a Bill for the Reform of the Corporation of London could not be treated as a public Bill, and a Bill for the Reformation of the Parochial System in the City of London as a private Bill. They seemed to be equally matters of public concern, and equally the subject of a public and not of a private measure. He had, however, some doubts whether if the Bill was read a second time in its present form it could in Committee be so altered as to be confined to the Metropolitan Diocese alone. If it were so limited it would also be necessary for their Lordships to consider what course ought to be adopted with regard to other Acts relating to this subject which were now in force, but were about to expire. Other difficulties arose in this way. This Bill was a continuance Bill, purporting to continue the existing law, which applied equally to the City of London and to all other parts of the country. But finding that the present Act was inapplicable, or rather not available, for the purposes for which it was intended in the City of London, the right rev. Prelate proposed to do away with a great many of the provisions of the Act, equally those which related to other parts of the country as to the City of London, and he proposed to introduce new clauses which would be applicable to the City only. The noble President of the Council had asked the right rev. Prelate who had charge of the Bill to consent to limit its operation to the diocese of London; but he (the Earl of Derby) thought that if they legislated for the diocese of London alone, a difficulty would arise in other districts to which previous Acts in reference to the union of

benefices applied. He should be sorry to interpose any obstacle in the way of the passing of a measure which for the City of London he believed to be a matter of great importance; but he saw considerable difficulty, if it should be read a second time, of limiting it in Committee within the limits desired by many of their Lordships.

Earl GREY was understood to say that he was afraid that great inconvenience might arise from confining the Bill to too narrow limits. If they did not give a fair degree of confidence to some authority other than Parliament it was impossible that such Amendment as was required in our churches could be accomplished. Parliament had become in this day a very cumbrous institution, and it required great energy and power to overcome difficulties to carry a Bill through the Houses, and what was wanted in such a matter as this was a more quick and easily available authority. They should not keep power too much in their own hands when dealing with a matter of this kind, and he advised them to confer on some other authority, power which no doubt might be, but which they must trust would not be, abused.

The Bishop of LONDON said, that if it was the opinion of their Lordships that the operation of this Bill ought to be confined to a certain district he should be quite willing to accede to such an arrangement. He wished, however, to consider the poor outside the City of London sa well as within it. The Bill as it at present stood was to some degree restricted in its operation, for it was limited to cities, towns, and boroughs. He had studied this subject for the last three years and had found it very intricate; and he did not wonder that it had been misunderstood. With regard to the accommodation of foreign Protestants in disused churches, he reminded his right rev. Brother that in the centre of the metropolitan cathedral of Canterbury there was a place of worship which was occupied by French Protestants, and that among the Chapels Royal, over which he, as Dean, was called upon to preside, there was a Lutheran chapel. He did not think that the clause which had been inserted in this Bill involved any departure from the principles of the Church of England in recognizing that there were such persons as Lutherans, and in affording them that accommodation which since the Reformation it had been the habit of one Protestant Church to extend to another.

Motion *agreed to;* Bill read 2ª accordingly; and *Committed* to a Committee of the whole House on *Monday,* the 21st of May next.

DIVORCE COURT BILL.

COMMITTEE.

Order of the Day for the House to be put into Committee read.

Moved, that the House do now resolve itself into a Committee on the said Bill.

Lord ST. LEONARDS said, that the principle of the Bill was to give the Judge Ordinary power to act alone in cases in which he was now assisted by other Judges, and to leave to his discretion to call in other Judges to sit with him or not. It was impossible that his decision without assistance in cases of dissolution of marriage would have the same weight as a decision of the full Court; and one result of giving the Judge Ordinary sole jurisdiction in such cases would be that parties would be dissatisfied with his decisions and would appeal to that House, and thus bring back to their Lordships that very jurisdiction which it was the object of the previous Act almost wholly to extinguish. When he stated his objections on a former occasion it was said that there were instances in which a single Judge had already power to decide most important questions, and yet gave universal satisfaction. Criminal cases were referred to, and also the instance of the Lord Chancellor sitting in equity. If, however, there was one thing more than another that had for many years past been a ground of complaint, it was the leaving it within the power of a single Judge to adjudicate upon matters of great importance. In the Courts of Queen's Bench, Common Pleas, and Exchequer they had four Judges sitting to determine questions of inferior interest to those of the dissolution or the nullity of marriage: and it had been found necessary, with a view to the due administration of justice, to appoint two Judges of Appeal to assist with their advice, and, if necessary, control the Lord Chancellor himself, the highest law officer of the country. It had also proved inconvenient that the appellate functions of that House should be exercised by two law Lords sitting alone, because, if they happened to differ in opinion, the decision of the Court below was practically affirmed by one of them. They were, however, now asked to give to a single Judge the power they re-

fused the other day, except to a full Court, composed of the greatest legal authorities in the kingdom. A Judge of assize hearing criminal cases, if he experienced any difficulty, walked into another court and consulted his brother Judge; and, if he went wrong, there was a Court of Criminal appeal or the Home Office to grant relief. It was impossible to speak too highly of the Judge-Ordinary of the Divorce Court; but was it fair to throw upon him individually all the great labour which they had so lately thought required a full Court, with the highest Judges in the land, properly to dispose of it? If the Judge-Ordinary, sitting alone, decided questions of the dissolution or the nullity of marriage, his judgments would frequently be appealed against. If they then happened to be reversed, it was impossible to exaggerate the dissatisfaction and mischief that would ensue. He had been taunted with objecting to this Bill without offering any alternative proposal of his own. As an individual Peer, he had a perfect right to criticise the measures introduced by the Government, although he might not have any counter-measure to submit. But he had in this case a proposition to make to their Lordships, and it was one of the simplest nature. It was that there should be one other Judge always sitting with the Judge-Ordinary, to deal with questions of the dissolution and the nullity of marriage. It could hardly be objected to this suggestion that the Judges had no time to attend to this duty, especially when it was remembered that it was now sought to transfer a large equitable jurisdiction to the Common Law Courts, the effect of which would be to double the work of those tribunals. The existing law cast upon the fifteen common law Judges the duty of attending the Divorce Court in such cases; and, if they could not spare one of their number for this purpose, why was this particular portion of the functions vested in them, any more than in any other, to be cut off from the rest, and thrown upon some one else? If the common law Judges were not competent to discharge the duties imposed upon them, they ought to have further aid. But certainly they had no higher or more important duty cast upon them by the law than the jurisdiction now in question. If the matter could not otherwise be arranged with the present staff, he would propose that the Common Law Courts should sit with three Judges instead of four. Four was the worst of all Courts, because, in case of a difference of opinion, there being two on one side and two on the other, no decision could be come to at all. At any rate it was better that the Common Law Courts should sit with three Judges, than that the Judge-Ordinary of the Divorce Court should sit to decide cases alone.

THE LORD CHANCELLOR said, he could not help thinking that his noble and learned Friend had fallen into a considerable irregularity. That was his opinion, and he believed it was the opinion of their Lordships. On the second reading of the Bill the question was whether the Judge-Ordinary should be trusted to sit alone except in cases where he might think it expedient to call in the assistance of a brother Judge from the Common Law Courts. That was opposed by his noble and learned Friend in a very long, and, therefore, able speech; but that speech had been answered by his noble and learned Friend (Lord Lyndhurst), who had been present this evening, but retired, not supposing that the discussion would be revived. That speech, even from his noble and learned Friend, excited unusual admiration and satisfaction. Except his noble and learned Friend (Lord St. Leonards), he believed there was not a single one of their Lordships who was not convinced by it. Indeed, he rather thought his noble and learned Friend himself (Lord St. Leonards) had been convinced, for after that speech was delivered he retired from the House. The question was not whether the Judge-Ordinary should sit alone, but whether a considerable portion of the business in the Divorce Court might not be fairly intrusted to him, he having at all times the power of calling in the assistance of another Judge; and he did not think it would become him to try to repeat the arguments of his noble and learned Friend (Lord Lyndhurst) in answer to the statements which had been reiterated. While he was coming into the House he received a letter from the Chief Justice of England, written with his usual ability, and which he thought would remove any doubt on this subject, even from the mind of his noble and learned Friend. The letter was in these words:—

"April 24, 1860.

"My Lord,—Understanding that the Bill introduced by your Lordship for remodelling the Divorce Court is about to be discussed in the House of Lords, it occurs to me that it may not be inexpedient that your Lordship should be pos-

sessed of the view taken by the Judges of this matter, after a practical experience of two years. I trust, therefore, I am not stepping beyond my province in conveying to your Lordship what I know to be the unanimous opinion of the Judges"—

Lord CHELMSFORD rose to order. It was not regular to read a letter on the subject of a Bill before the House.

The LORD CHANCELLOR apprehended that it was perfectly regular. His noble and learned Friend the other evening referred to the opinion of the equity Judges on the Bill then under discussion. This was not a private letter, but written for the express purpose of being communicated to the House.

The Earl of DERBY thought that, in that case, the noble and learned Lord ought to have moved for its production. He could not read a letter unless he laid it before the House.

Earl GRANVILLE believed the rule to be that such a letter to be read must either have been laid before the House, or his noble and learned Friend must be prepared to lay it before the House.

The LORD CHANCELLOR was prepared to lay the lettter before the House the moment he had read it.

Lord ST. LEONARDS apprehended that the letter must be laid on the table by command of Her Majesty before it could regularly be read.

The LORD CHANCELLOR said, the letter was written to give information and assistance of great importance to that House.

Earl GRANVILLE believed the constant practice was to read letters from individuals. Was it fit, then, that because a letter possessed great authority as coming from a Judge, and conveyed important information, it should not be read?

Lord ST. LEONARDS did not think it regular to read the opinion of one of Her Majesty's Judges as to the Bill under discussion.

Lord CHELMSFORD was not aware of any similar instance of such a letter being read, either in that or the other House of Parliament, with reference to a Bill under discussion.

Earl GRANVILLE remembered a letter being read in the other House from Sir George Clerk, Under Secretary of the India Board, stating the course taken by Government in regard to a particular measure.

Lord CHELMSFORD very much doubted whether the letter alluded to by the noble Earl referred at all to the policy of the course taken by the Government.

After a few words from Lord Wensleydale,

The LORD CHANCELLOR said, he should, if necessary, take the sense of the House on the Question whether the letter should be read ["No, no."] The noble and learned Lord then proceeded to read the letter:—

"My Lord,—Understanding that the Bill introduced by your Lordship for remodelling the Divorce Court—"

when

Lord REDESDALE rose and said, he thought the noble and learned Lord had read quite enough to raise the question. When a person occupying the position of a Judge of the land, whom we may call upon to aid us by his advice if we please, desires of his own motion that his opinion should be laid before the House, with the view of guiding its decision with respect to a Bill which is under its consideration, your Lordships ought, I think, to be cautious how you allow such a communication to be read as a question of right. Information such as that which the letter contains may be very useful, but I contend that we ought not so far to accede to the wish of the noble and learned Lord in the matter as to allow him to set a precedent of this nature.

The Duke of SOMERSET: If the noble and learned Lord were about to read a letter from any ordinary person—a person, for instance, not conversant with the subject before us—he might have adopted the course which he is about to take without comment. It seems, however, that because the letter is one which contains some valuable information we are to be precluded from having it submitted to our notice. For my own part I cannot see why it should be expedient that we should have withheld from us the expression of an opinion which may be calculated to guide us in coming to a satisfactory decision with respect to an important Bill.

The LORD CHANCELLOR then read the letter as follows:—

"April 24, 1860.

"My Lord—Understanding that the Bill introduced by your Lordship for remodelling the Divorce Court is about to be discussed in the House of Lords, it occurs to me that it may not be inexpedient that your Lordship should be possessed of the view taken by the Judges of this matter after a practical experience of two years.

"I trust, therefore, I am not stepping beyond my province in conveying to your Lordship what

I know to be the unanimous opinion of the Judges, that the attendance of the common law Judges in the Divorce Court, and their consequent withdrawal from the Courts to which they properly belong, cannot be continued without great inconvenience and detriment to the judicial department of the public service; while, on the other hand, no corresponding advantage results to the constitution of the Divorce Court itself.

"The fact is, that at the present time the judicial establishment in the Superior Courts of common law is not more than barely adequate to the discharge of those duties which were incidental to the judicial office before this new duty was imposed on them.

"For, though it is true that the County Courts have to a considerable extent relieved the Superior Courts of a large extent of the lighter and less important cases, yet the amount of business in the latter never was heavier than at the present moment. The increase of population and of commercial and manufacturing activity, the multiplication of inventions and patents, the right recently conferred on the representatives of deceased persons, where loss of life has resulted from negligence, to bring actions for compensation, the facility afforded by railways for bringing causes to London for trial, with other circumstances unnecessary to detail, produce an amount of important business which presses heavily on the Courts; more especially as the modern changes in our procedure (I allude more particularly to the examination of parties, which leads to the calling of witnesses for the defendant in almost every case, and to the allowing of second speeches to counsel for defendants), while tending materially to promote justice, have, on the other hand, a necessary tendency to prolong proceedings in Court and to occupy time. Besides this, new duties have been thrown on the Courts; for instance, on the Court of Queen's Bench, by the power of appeal from the decision of magistrates in petty sessions, given by the Act of the 20 & 21 *Vict.*, which, added to the former appeals from quarter sessions, produces an amount of Crown business which occupies the Court two days a week in every term; on the Court of Common Pleas by the reference to that Court of questions arising on the Railway and Canal Traffic Acts, and of appeals from the decisions of Revising Barristers.

"The effect of the whole is that the utmost diligence and activity of the Judges is no more than adequate to prevent the accumulation of arrears to a serious and mischievous extent.

"In term time it is, as your Lordship is aware, absolutely necessary that *Nisi Prius* sittings should be constantly going on. One Judge in each Court being thus employed, four would be left for the sittings *in Banco*, were it not that during one-half of the day another Judge is required to attend at chambers, whereby the number is reduced to three. I trust your Lordship will concur with me in thinking that the number of the Judges for sittings *in Banco* ought not to be reduced below the ancient and accustomed number. It is the unanimity of so many as four Judges, or in the event of difference the proportion of the majority, which has given so much authority to the decisions of these Courts. It is, no doubt, impossible to prevent the number from being at times reduced to three by the incidents to which I have referred; but when it is considered that the Court on applications for new trials is practically a Court of Appeal from the ruling of single Judges, or from the decisions of juries, that it is often called upon to decide difficult and complicated questions of law, and to settle the construction of important Acts of Parliament, I feel assured I shall have the sanction of your Lordship's opinion in saying that the number of the sitting Judges of each Court ought not to be intentionally reduced below three. Yet the withdrawal of one of the Judges for the purposes of the Divorce Court has necessarily the effect of reducing the number to two during a portion of every sitting, and, in case of absence by ill-health or other casualty, would have the effect of reducing the Court to a single Judge, or, as the alternative, of preventing the sittings at *Nisi Prius* or attendance at chambers.

"Out of term the inconvenience is still greater. The state of the cause-lists necessitates, as your Lordship knows, the constant sitting of the two Courts. Attendance at chambers continues to be as necessary as in term. Post-terminal sittings *in Banco* are indispensable to dispose of the arrears of term business, and at this period occur the sittings of the Court of Error in the Exchequer Chamber, in which the presence of as many Judges as possible is most desirable, and less than six ought not to be dispensed with. Any one of these important Courts may be suspended by the withdrawal of two Judges (or even of a single one) from their proper and primary duties.

"I have omitted to advert to the sittings of the Central Criminal Court, as well as to the recently established Court of Criminal Appeal, which constitute an additional drain on the strength of the judicial establishment.

"These explanations, of which, fortunately, no one can be better qualified to form a correct estimate than your Lordship, will, I conceive, fully bear out the opinion expressed by the Judges as the result of their practical experience.

"Equally strong and general is the opinion that the expenditure of judicial force involved in the attendance of the Judges in the Divorce Court is, for the most part, pure waste, uncompensated by any advantage to the administration of justice in that Court. The great majority of cases dealt with in the Court of Divorce are either undefended, or the facts are too clear to admit of doubt, or at all events the question to be decided is one of fact alone, determinable by the evidence, and with which a Judge or a Judge and Jury are perfectly competent to deal, just as the latter would before have been in an action for criminal conversation, or a Judge would have been in a suit for divorce in the Ecclesiastical Court. Collusion, the apprehension of which excites so much alarm in these cases, occurs, I am satisfied, much less frequently than seems to be supposed. Where it does, the sagacity and acuteness of one competent Judge, especially of so eminently distinguished and able a Judge as Sir Cresswell Cresswell, may well be expected to detect and frustrate it. At the same time, as cases will no doubt at times occur involving more than ordinary difficulty, and in which the Judge-Ordinary may desire assistance, if, in such cases, no other means can be resorted to for strengthening the Court than the having recourse to the Judges, of course the latter must do their utmost to render the required assistance, so far as this can be made consistent with the exigencies of their more immediate duties. What they at present object to, and strongly feel, is the idle waste of their time, imperatively called for elsewhere, in

sitting to hear causes in which there is neither necessity nor occasion for their taking part at all. At all events, they confidently trust that the Legislature will relieve them from attendance on the Divorce Court, except where the Judge-Ordinary requires their aid, or where appeals are brought against his decisions.

"I have the honour to be, my Lord,
"Your obedient and faithful servant,
"A. E. COCKBURN.

"The Right Hon. the Lord Chancellor."

Motion *agreed to.*

House in Committee accordingly.

Clauses 1, 2, 3, 4, 5, and 6 *agreed to.*

Lord CRANWORTH moved the insertion of the following clause, which embodied two Amendments of which his Lordship and Lord Wensleydale had severally given notice.

"Every Decree for a Divorce shall in the first Instance be a Decree nisi, not to be made absolute till after the Expiration of such Time, not less than Three Months from the pronouncing thereof, as the Court shall by General or Special Order from Time to Time direct; and during that Period any Person shall be at liberty, in such Manner as the Court shall by General or Special Order in that behalf from Time to Time direct, to show Cause why the said Decree should not be made absolute by reason of the same having been obtained by Collusion or by reason of material Facts not brought before the Court; and, on Cause being so shown, the Court shall deal with the Case by making the Decree absolute, or by reversing the Decree nisi, or by requiring further Inquiry, or otherwise as Justice may require; and at any Time during the Progress of the Cause or before the Decree is made absolute any Person may give Information to Her Majesty's Proctor of any Matter material to the due Decision of the Case, who may thereupon take such Steps as he may deem necessary or expedient; and if from any such Information or otherwise the said Proctor shall suspect that any Parties to the Suit are or have been acting in collusion for the Purpose of obtaining a Divorce contrary to the Justice of the Case he may, by Leave of the Court, intervene in the Suit, alleging such Case of Collusion, and retain Counsel and subpœna Witnesses to prove it; and it shall be lawful for the Court to order the Costs of such Counsel and Witnesses, and otherwise arising from such Intervention, to be paid by the Parties or such of them as it shall see fit, including a Wife if she have separate Property; and in case the said Proctor shall not thereby be fully satisfied his reasonable Costs, he shall be entitled to charge and be reimbursed the Difference as Part of the Expense of his Office.

The LORD CHANCELLOR approved the clause; he had in the Bill of last year, given power to the Attorney General to obtain such further evidence in cases in which collusion was suspected. The delay was by no means to be complained of. In France, the decree in such cases was never pronounced till twelve months after the presentation of the petition.

Clause *agreed to.*

Further Amendments made.

Report thereof to be received *To-morrow.*

LAW OF DIVORCE (IRELAND) BILL.

LEAVE. FIRST READING.

Lord CHELMSFORD presented a Bill to amend the Law relating to Divorce and Matrimonial Causes.

The LORD CHANCELLOR would not oppose the measure, but to the greater part of the population of Ireland it would be useless.

Bill read 1ª.

House adjourned at a Quarter-past Eight o'clock, till To-morrow, a Quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, April 26, 1860.

Minutes.] New Member Sworn.—For Harwich, Lieutenant Colonel the hon. Richard Thomas Rowley.

Minutes.] Public Bill.—1° Education Bill.

ASSESSMENT OF HOUSE PROPERTY.

QUESTION.

Mr. WATLINGTON said, he would beg to ask the President of the Poor Law Board, Whether the Correspondent of *The Times* newspaper of the 23rd instant is correct in stating that the Auditors of the Poor Law Board have defined "gross estimated rental" to be "the landlord's rent, the landlord and tenant respectively paying their own proper charges," and, if so, to inquire what if any is the difference between "gross estimated rental" and "net annual value?"

Mr. C. P. VILLIERS said, in consequence of the notice of the hon. Gentleman he had referred to *The Times* newspaper, and had seen in the letter to which the hon. Gentleman had referred, what purported to be the opinion of the auditors of the Poor Law Board. With regard to that letter, he thought it right to state that it had not been inserted in *The Times* newspaper after any previous communication with him, nor did it derive any authority from the Poor Law Board. And further, he might state that the auditors of the Poor Law Board had no peculiar competency in their

office in defining what was called "gross estimated rental," and the fact of their having given any opinion on the matter arose from the circumstances which he would state to the House. There was a deputation from the Poor Law Auditors to the Poor Law Board, and, considering them much experienced in parochial affairs, he asked them what they conceived what the overseers called "gross estimated rental" to be, and he found that these auditors entertained the opinion that was expressed in the letter — namely, that the "gross estimated rental" was the rent paid to the landlord, the landlord and the tenant paying their own proper charges. He then asked them if they thought that opinion would be supported by their colleagues throughout the country, and he directed a circular to be sent to the different auditors to know if that corresponded with their experience, and their replies generally were to the effect that it did so. With regard to the other question which the hon. Gentleman asked him, as to what was the difference between "gross estimated rental" and "net annual value," he believed "gross estimated rental" to be pretty much what the auditors had represented it to be, the "net annual value" being what remained after the deductions had been made of the charges which fell on the landlord. The net annual value and the rateable value were in fact nearly identical. The landlord had certain charges which everybody knew were incident to owners of property. He had to pay the expenses of insurance and repairs, and these deductions having been made the overseer arrived at the rateable value. That he believed to be the distinction which had been recognized by the Courts of law, and had been supported by the opinion of the Law Officers of the Crown so late as May, 1859.

PROTECTION OF BRITISH PERSONS AND PROPERTY IN NAPLES AND SICILY.—QUESTION.

MR. H. B. SHERIDAN said, he rose to ask the Secretary of State for Foreign Affairs, Whether he has heard that complaints have been made of the insufficient protection afforded to British subjects in the Kingdom of Naples, and in the immediate neighbourhood of the disturbances in Sicily, by the English Representative and British men-of-war on that station, and whether there is any truth in these complaints; and if he will state which of Her Majesty's vessels are on that station, and whether the instructions have been to give assistance to all persons rightly claiming the protection of the English flag? And whether, to his knowledge, it is true that Austrian troops have been employed to aid in the suppression of the efforts of the Sicilian population to obtain a better form of Government?

LORD JOHN RUSSELL replied, that no complaints had reached the Foreign Office of the insufficient protection afforded to British subjects in the kingdom of Naples and in the neighbourhood of the disturbances in Sicily by the English Representative or the British men-of-war on that station. With regard to the second part of the hon. Gentleman's question, as to which of Her Majesty's vessels were on that station, he had to inform him that the *Orion* was at Palermo, the *Argus* at Messina, and the *Cæsar* was despatched to Naples for the protection of British interests. The hon. Gentleman further asked him whether instructions had been given to afford assistance to all persons rightly claiming the protection of the English flag. He had to inform him that Her Majesty's Government had forwarded instructions to the Commanders of those vessels to protect the persons as well as the property of British subjects. In reference to the last question as to whether "it is true that Austrian troops have been employed to aid in the suppression of the efforts of the Sicilian population to obtain a better form of Government," Her Majesty's Government had received no information of the kind, and indeed he thought it highly improbable that Austria should interfere in any such manner.

MILITARY SURGEONS.

QUESTION.

MR. DEEDES said, he wished to ask the Secretary of State for War upon what principle a deduction of eightpence halfpenny per diem is made from the pay of the Surgeon and Assistant-Surgeon of a Cavalry Regiment for each horse kept by them for the public service, when the rate of pay of those Officers is precisely the same as that of the Medical Officers of Infantry Regiments who, under the 21st paragraph of the Warrant of the 1st of October, 1858, are expressly exempted from any such deduction, the words of the paragraph referred to being these:—

"Shall not in future be subject to any stoppage out of their daily pay for any ration of hay, straw, or oats supplied for the horse or horses kept by them for the public service."

Mr. SIDNEY HERBERT said, the case was as stated, and the papers on the subject were before the House.

REPRESENTATION OF THE PEOPLE BILL.—SECOND READING.

ADJOURNED DEBATE. FOURTH NIGHT.

Order read, for resuming Adjourned Debate on Question [19th March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed*.

Mr. BLACK: Sir, it is with much reluctance that I venture to make any observations on the important measure now under consideration, especially as I fear my views on one essential part of the Bill are not in unison with the views of most of the friends with whom I am surrounded. But however painful it is for me to differ from them, I feel constrained by a sense of duty to give utterance to sentiments which I have often expressed in the city I have the honour to represent, and which I believe are entertained by the majority of one of the largest, most important, and, I may say, one of the most intelligent constituencies in the kingdom, who might charge me with shrinking from my duty, if I did not honestly state in my proper place the sentiments I have expressed to them. I hold, with Jeremy Bentham, that the best form of Government is that which produces the greatest amount of happiness to the greatest number; and, with this view, and this view alone, Governments ought to be constructed. Despotisms have been tried, oligarchies have been tried, and pure democracies have been tried; but under a mixed Government, with a balanced Parliamentary Representation, this country has secured a greater degree of power, and wealth, and liberty than has been attained by any other State. For the production of good Government, then, the Representative system, when properly constructed, experience has proved to be the most efficient instrument. It is a powerful and a delicate machine; to say that it is not perfect, is to say that it is only human, and must partake of the imperfections of humanity: it should be attended to with the greatest carefulness; but we must not be always tinkering at it. If it should at any time get out of gear, or if defects should be discovered in it, they should be rectified; but no alteration should be allowed to be made in it, without its being first proved to be imperfect, and the proposed alteration an improvement that will remedy the defect. A machinist would consider it necessary that he should work upon sound, scientific principles. So, in the measure before us, we ought to act upon a sound political system. Is the elective franchise a right or a trust? Some have said that every man is naturally entitled to share in the Government of his country; that those who are to obey the laws, should have something to say in the framing of them; that taxation and representation should be co-extensive. If the elective franchise is a right, it must be based on some ground—if it is on taxation, then every man who smokes a pipe, or drinks a cup of tea, has a right to the elective franchise. What the people have a right to demand is, that they should have that system of Government which will most efficiently work out the greatest amount of happiness and prosperity; you are not bound to gratify every demand of theirs, which would not tend to promote their happiness. It might be asked who is to decide. The answer was that this duty must devolve upon the Government of the day; this responsibility rests upon the House of Commons; and a tremendous responsibility it is. The elective franchise ought to be intrusted only to those whom we may reasonably suppose well qualified to exercise it for the general advantage. Taking this, then, as the principle which ought to regulate us in considering a reform of our Representative System, let us examine the leading propositions of this Bill. First, then, as to the introduction of the £10 occupants in the counties. I think there is good ground for that arrangement. It appears to me contrary to principle that a man should be excluded because he lives in the county and not in the burgh; and there is no reason to suppose that the dweller in the county will be inferior in intelligence, independence, and integrity to the dweller in the burgh. I hold, then, that on principle we are fully warranted in adopting that part of the Bill. Then, in the Bill for Scotland, the clause which reduces the property qualification to £5, is so far right; but to act upon precedent and principle, it ought to be 40*s*., as in England; not only because it is so in England, but because we have had proof that it has worked well there; and a man who holds property yielding 40s. a year and upwards,

if he has acquired it, most probably is a man of industrious habits and good conduct; and if he has inherited it, you have reason to believe that he is well educated. The possessor of property, however small, takes as deep an interest in whatever affects it, as the possessor of the largest estates. These two classes, I think, may safely be trusted with the elective franchise. Holding to the principle which I have laid down, that no alteration should be made in the electoral body but such as will manifestly improve it, I ask would the introduction of the large class of occupants between £10 and £6 improve the electoral machine? I do not now enter into any calculation of the numbers or proportions of this class. It is, however, certain that in some cases they will add a quarter or a half to the present number of electors; in others they will double them, in others they will be a majority. Will this large infusion of the lower element improve the aggregate, will it increase the intelligence or independence of the constituency? Will it not throw a preponderating weight upon some part of the machinery? Do not imagine that I undervalue the virtues that are to be found in that class of the community, or that I am disposed to speak disrespectfully of them; but neither will I flatter them. I speak of them as a class, and a large class, which we ought to look at with impartiality and discrimination. It is nothing to the purpose to be told that you will find among them men as independent and intelligent as in the highest class. The question is, is it reasonable to expect, in the class occupying houses between £10 and £5 rent, the same amount of education and intelligence as in the various classes occupying houses from £10 to £1,000? If you had an important business of your own to manage, whether would you risk it to occupants of some of the lower streets of Westminster or St. Giles', or to the tradesmen in Cheapside or the Strand, not to speak of Belgravia? You say you will find as intelligent and independent men occupying £5 houses, as some occupying £60 houses; that may be quite true, but you will likewise find men occupying £5, and £4, or £3 houses as intelligent as those who occupy £6 houses. Political questions are often among the most difficult that can be submitted to human decision, and cannot safely be committed to the arbitration of great masses of half-educated men, perhaps brought together under the excitement of passion and prejudice, and under the guidance of unscrupulous agitators. By conferring the franchise on such a large mass of half-educated people, you would not raise the character of the constituency: but, on the contrary, must inevitably bring it down, in some degree, to the level from which the new body of the electors sprung. Would that be an advantage? If so, it should be done at once; but if it were doubtful, it would be prudent to hesitate before taking a step which could not be retraced. Within these few months we have had a melancholy example of the manner in which they mismanage their own affairs. How easily they were led astray by noisy agitators, after an impracticable delusion to demand ten hours' pay for nine hours' work; and see the domination and tyranny that one set of them exercised over others. At the factious and exciting harangues of their leaders they unite for impracticable purposes, and expose their wives and children to hunger and suffering in a foolish contest. We sometimes manifest indignation at great landholders who exercise undue influence over their tenants; but the largest landholder in the kingdom, or a dozen of them, would not be able to compete with Mr. Potter. Then there is danger from their acting in concert; they not only have their unions, but these unions are affiliated, and the leaders have only to give the word, and woe to the man who rebels. It has been said that were the power largely in the hands of that class, they would throw the taxation of the country unduly on property; but it would not be the holders of property only that would suffer, but the manufacturers. At a meeting with the operatives before my last election, one question that was put to me was, Will you support a Bill in Parliament to reduce the day's labour to eight hours? I told them to their face that the putting such a question only showed the danger of giving them the franchise. Depend upon it that one of the objects which they would exert themselves to attain would be to shorten the hours of labour, and that test would be put to every candidate; too many of whom, to obtain their sweet voices, would swallow the test. Are honourable Members aware of the extent of these affiliated unionists? They will, perhaps, be surprised to hear that Mr. Potter has stated their number to be 600,000. These are all under the orders of a small executive committee, most probably composed of a small number of the most energetic, enthusiastic, and ag-

gressive characters. A large number of these would secure the franchise by this Bill, and every one of them would vote as directed by the executive committee, and every one of those who did not obtain the franchise would be most active canvassers. The noble Lord, the Member for Stamford, said he had sat on several Election Committees, and found that the parties who took bribes were generally the freemen; men who were in the rank of those who would be enfranchised by the £6 clause. ["No!" *and cheers*]. He could give another proof. Before the Reform Bill of 1832, the freemen and the potwallopers in the boroughs of England were bought and sold. The Bill of 1832 left them still their privileges, but the dry rot was in them; and when the ten-pounders were added to the constituency, the rot spread into the new timbers. In fact, the tide of bribery and corruption rolled over England and stopt at Berwick. But in Scotland we had no freemen electors, and as the franchise did not descend below a £10 rent, we had none of the lower class; consequently bribery is almost unknown in Scotland. There was another view which must be taken of this Bill. There had not been much agitation about it; but there had been some meetings at nearly all of which resolutions in favour of manhood suffrage, or something of that sort, had been submitted. It was, however, argued by the leading speakers at these meetings, that they should be content with this Bill, because it was a step in the right direction, it was an instalment, and they need not fear that the whole sum will be paid in due time. You may go down by easy stages, but whether your steps are short or long, you will have got upon the slide, and you cannot stop till you reach the bottom. I can see a principle for universal suffrage, but I can see no principle for stopping at £6. The man who pays £5 or £4 will have a good right to say, I am as well entitled to the franchise as the man who pays 20*s.* of more rent. Do not imagine that you will stop the agitation; you will have given it a shove onwards and downwards, and the downward progress must of necessity be an accelerated one. In twenty years or less you may be obliged to descend to £5 or £4, and in other ten years you will have no standing ground but on universal suffrage. Well, perhaps you think universal suffrage the best. If it is, and certainly it has better ground of principle, it would be better to adopt it at once, and thus save all the agitation and fighting that must accompany a downward progress, if downward we must go. Reference has repeatedly been made to the opinions of Lord Macaulay on this subject. I knew them well, but I will rather refer to a letter written by him in 1857 to Mr. Randall of New York:—

"I have long been convinced that institutions purely democratic must, sooner or later, destroy liberty, or civilization, or both. In Europe, where the population is dense, the effect of such institutions would be almost instantaneous. What happened lately in France is an example. You may think that your country enjoys an exemption from these evils. I will frankly own to you that I am of a very different opinion. Your fate I believe to be certain, though it is deferred by a physical cause. . . . . But the time will come when New England will be as thickly peopled as Old England. Wages will be as low and will fluctuate as much with you as with us. But you will have your Manchesters and your Birminghams, and in those Manchesters and Birminghams hundreds and thousands of artizans will assuredly be sometimes out of work. Then your institutions will be fairly brought to the test. Distress everywhere makes the labourer mutinous and discontented, and inclines him to listen with eagerness to agitators, who tell him that it is a monstrous iniquity that one man should have a million while another cannot get a full meal. In bad years there is plenty of grumbling here, and sometimes a little rioting; but it matters little, for here the sufferers are not the rulers. The supreme power is in the hands of a class, numerous indeed, but select—of an educated class—of a class which is, and knows itself to be, deeply interested in the security of property and the maintenance of order. Accordingly, the malcontents are firmly but gently restrained. The bad time is got over without robbing the wealthy to relieve the indigent. The springs of national prosperity soon begin to flow again, work is plentiful, wages rise, and all is tranquillity and cheerfulness."

My chief objection to the part of the Bill that provides for the admission of occupants of £6 houses is, that the infusion of such large numbers into the burgh constituencies will dilute and lower the entire constituencies, and give an undue preponderance to one class, and that the least educated. The operative classes are entitled to have their interests represented in this House, but adopt a method by which this may be accomplished without lowering the whole electoral body. Before the Reform Bill of 1832 there were boroughs in which the freemen and pot-wallopers en grossed the electoral franchise. If there was a return to a similar plan you might accomplish the object sought to be obtained. But I do not acknowledge that the interests of the operative classes are neglected by the present representatives. I do not believe that the interests of any

class have been so carefully attended to. I know it will be said that all my objections were urged against the Reform Bill of 1832, but, upon the principle I have laid down, the Reform Bill of 1832 was just and rational. It was a measure of necessary reaction against the defects of an exclusive oligarchy. It transferred the power from small knots of a dominant party, possessing few, if any, popular sympathies, to large masses of the most highly educated, the most wealthy, and the most influential parts of the upper and middle classes of society, and embracing a number of the lower classes and those who sympathize with them. Experience has proved that the plan was wise and advantageous. I am unwilling to take up the time of the House by entering upon other plans of increasing the constituency which, I think, would be more advantageous, such as admitting lodgers, the holders of a certain amount of money in savings banks, and others, which may be taken up in Committee. As I have said, it is painful to me to differ from statesmen whom I hold in the highest honour and respect for the invaluable services they have rendered to their country, but the stake is too vast and the responsibility too great to shrink from a disagreeable duty from motives of affection.

SIR BULWER LYTTON said:* Sir, the debate has hitherto chiefly turned on the quality and nature of the proposed borough franchise. It is evident from the speech of the hon. Member who has just sat down, that this involves a question on which Gentlemen opposite have an interest fully equal to our own; I shall, therefore, so far imitate his example, that I will endeavour to state my views in a spirit that shall be as free from party bias as I an possib form and express it; and as I think it very important that we should have clear perceptions of the nature of our dispute, and of the consequences of any mistake we may commit, I will first entreat the House to bear with me for a few minutes, while I try to consider whether, at least, we cannot agree as to some broad principle upon which all good representative systems should be based. Sir, I will assume that every popular reformer, and every sound political thinker, who seeks to estimate the proper standard at which to fix an electoral franchise, must, in abstract theory, start from the same point;—and that point is the *primâ facie* right of manhood suffrage. Where you find a civilized community in which all the Members are equally free, and where, by a system of indirect duties, every man is more or less taxed to the support of the State, I can readily understand that every man should consider that he has a *primâ facie* right to vote for those who superintend his affairs and regulate the machinery by which his welfare is controlled. But here, from the origin of all political societies, commences another view of that same question, upon which popular reformers may differ—I do not know if they do—but on which all who are acknowledged to be sound political thinkers are agreed; and it is this: granting that every man in a free community may thus put forward his claim to the electoral franchise, still every member of a community merges all his individual rights, and many rights much nearer and dearer to him than an electoral franchise, in the paramount consideration how the State itself can be best sustained for the general safety and the social advancement; or, in the words of the hon. Gentleman who has just spoken, how "the greatest happiness of the greatest number" can be secured from attacks, without and within, from foreign dangers or its own mistakes, for the longest probable period. The Member for Edinburgh says that he would wish to see established some definite principle by which we might construct our measure, and by which we might test its details. That which he asks has been the object of research to political reasoners for more than two thousand years; but I think the substance of all that that has been said by those whom we hold to be authorities may be found in this very simple definition: a free State will be thus best sustained and advanced by securing to its legislative councils the highest average degree of the common sense of the common interest. For this, intelligence is requisite, but not intelligence alone; you might have a legislative Assembly composed of men indisputably intelligent—nobles, lawyers, priests, who might honestly believe they used their intelligence for the common interest, when in fact they used it for their own. Hence it follows that no one class interest must predominate over all the others, or the common interest is gone—gone if that class be the great proprietors; gone if that class be the working men. But there is this distinction between the working class and every other, that, granting their intelligence to be equal to that of others, granting that it be not more likely to be misdi-

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rected, still, when it is misdirected, the consequences are, if they are invested with the electoral power that determines legislation, immeasurably more dangerous both to the common interest and to their own. For they are the roots of society, and it is the roots of society that their errors will affect; while their numbers are so great that their votes could overpower the votes of all the other classes put together. When this happens, the instinctive safeguard of the rich is corruption; and the instinctive tendency of ambition, if it be not rich, is towards those arts which give dictatorship to demagogues.

The hon. and learned Member for Marylebone has done me the honour to quote expressions of mine in praise of the labourer and mechanic. I neither retract that praise, nor the qualification with which it was then accompanied. The working class have virtues singularly noble and generous, but they are obviously more exposed than the other classes to poverty and to passion. Thus, in quiet times, their poverty subjects them to the corruption of the rich; and in stormy times, when the State requires the most sober judgment, their passion subjects them to the ambition of the demagogue. To every man who has read history, these are not unsupported propositions. The history of all the old republics is uniform as to their truth; and as in all those old republics, at least where democracy was established, vote by ballot was employed, so the same history tells us that vote by ballot is no cure for the evils. Hence it is that those eminent writers on the Liberal side, who have lately examined this very question of a new franchise for England, with political courage as well as speculative acuteness, have all specially dwelt on the extreme danger of basing that new franchise rudely and exclusively upon a principle that, once conceded, must expand—a principle that, by avowedly reducing your borough franchise so as to admit manual labour without any equipoise, without any test or condition beyond that of finding a roof to cover it at 2*s.* 4*d.* a week, must end by giving to manual labour the political power over the capital that employs and the mind that should direct it. An hon. Member in the course of this debate referred to the opinions of Mr. John Mill, than whom no severer reasoner adorns our age; but what are Mr. Mill's opinions? Sternly against all the arguments by which the proposed franchise is defended. He would give, it is true, a vote to every man, but in order to counteract the effect of numbers so created, he would give to a man of superior education or property, such as a farmer or a tradesman, four or five votes; to a man of still higher education and property, five or six votes. More lately Mr. Mill has declared in favour of the scheme propounded by Mr. Hare and explained by Mr. Fawcett in a very remarkable pamphlet; a scheme that is based upon the principle of securing representation even to the smallest minorities. These ideas are so against the taste of the House and the inclination of the public, that their adoption may be impossible; but I mention them to show that, here, are consummate reasoners whose doctrines of Government belong to the boldest school of liberal opinion, and who are yet more anxious than the highest Tory amongst us to secure to property and intelligence a power that shall not be overborne by the influence of numbers.

The Member for Birmingham says there is no cause to fear the influence of numbers or of the working class in the Bill that is now before us. He says, firstly, that the proposed addition as regards the boroughs is not considerable; secondly, that the total constituency will still be very small in proportion to the adult male population. But the Member for Birmingham fails to see or to grapple with the argument of my right hon. Friend the Member for Buckinghamshire. It is not with my right hon. Friend a question of numbers alone, but rather of fitness. In fact, though I accept the assurance of the right hon. Gentleman the Home Secretary, that the most conscientious pains were taken to obtain accurate returns, yet he must pardon me if I say that, without entering into the dispute between him and the Member for Marylebone, those returns must seem incredible to any Gentleman who will use his own powers of inquiry and observation; for a £6 house is a house at 2*s.* 4*d.* a week, but if any Gentleman will inquire in the small rural towns or even the large villages in his neighbourhood, he will find that there are scarcely any houses in them that are let to the most ordinary artisans at less than 2*s.* 6*d.* a week; but if 2*s.* 6*d.* a week be the lowest rent paid by a journeyman labourer in a small rural town, what must it be in a populous borough where the average rental cannot fail to be higher? Just consider! Many Gentlemen, no doubt, have built plain cottages for their own day-labourers; those cottages

cannot cost them less than about £80 each; they would be contented with a small interest for their money, because, as it is truly said by the Duke of Bedford, who has conferred benefits on the working classes, the more signal, because so nobly unostentatious, "the country gentleman does not build cottages for immediate remuneration;" but in a borough town such houses are built on speculation by small capitalists, who would not be satisfied with less than 7½ or 8 per cent for their outlay —that is, more than 2*s.* 4*d.* a week, for a house equal to the humblest cottage you build for your humblest labourer. But, granting the returns to be correct, as to the present number of £6 householders, they can afford no criterion of what the number of £6 voters would be if this Bill passed into a law; for the poor labourer who now pays 2*s.* a week for a house (and less than that he could scarcely pay for any hovel in a borough town) would gladly pay 2*s.* 4*d.* to secure a vote as a good speculation, which will give him a claim on the wealthier tradesmen of the town who take an interest in elections, should he want a job of work or a charitable donation at Christmas—those small gleanings of calculating benevolence which are the perquisites of poor electors; and on the other hand, a landlord who now lets houses at 2*s.* or 2*s.* 2*d.* a week will screw them up to 2*s.* 4*d.*, in order to increase his political importance by having a numerous tenantry at his command, in constitutional proof of the legitimate influence of property. And you must take with you the fact, which you seem to ignore—namely, that every year, as the prosperity and population of the country increase, the £6 franchise will become wider and wider as to numbers, lower and lower as to the condition of the voter. The £10 occupation is now, in the larger towns, a very much lower franchise than it was thirty years ago. You are legislating for posterity in a direction you can never retrace, and in less than thirty years a £6 franchise must, in the larger towns, be equivalent to household suffrage. We have, therefore, no fair criterion as to numbers; but, in the meanwhile, we find, even by your Returns, that the addition proposed is quite enough to overbear the existing constituency in a great proportion of the present boroughs; it must materially influence elections in most of the others. We then ask if that addition be composed of a variety of classes; we find it is confined to a single class, and we object to overbear the existing constituency by a single class, without any equipoise or relief.

I shall make our distinction more clear by proceeding at once to the second assertion of the Member for Birmingham. He says that the entire constituency, which he estimates at 1,000,000, will be very small, compared to the adult male population, which he estimates at 7,000,000. But when he would thus make manhood suffrage a standard by which to compose a suffrage that, if more limited, should fairly represent the diversified character and opinions of the whole adult male population, he forgets to omit from his 7,000,000 not only about 700,000 paupers, whom we will put aside, but more than a million and a half composed of soldiers, sailors, mercantile marine, domestic servants, and rural peasants; voters, whose tendencies might counteract the opinions of the special class this Bill selects for the franchise. And the right way to look at the present suffrage, and at the proposed addition, is evidently this: The present suffrage is a selection, made less than thirty years ago, from those classes of the male population with which popular liberty is most safe; excluding rural peasants as too much under the influence of landed aristocracy; domestic servants, as too much under the influence of masters; soldiers and sailors, as too much under the influence of the Crown. But if, while you continue to exclude from your constituency large masses of the population that represent Conservative elements, you admit a new element, which our common sense tells us must be exclusively democratic, you destroy the fair equipoise of representation even by numbers, and you do not impartially extend the area of a national franchise, but you pervert a national franchise into the monopoly of a single class. I close, then, this part of my argument with these plain propositions:—First, that it is not consulting the common sense of the common interest; secondly, that it is not a fair application of the doctrine of representation by numbers, to introduce into a constituency already so popular—that in this vast metropolis, and in many of our great towns, the richer classes are not represented at all, a new selection from that special class of artisans, who, crowded together in large towns, always have been, and always will be, the most democratic, and the most excitable part of the population, without any selection of an opposite tendency; so that the

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more some town has been rendered populous and flourishing, by expenditure of capital and activity of educated intellect, the less capital and educated intellect will have a voice in the representation of the place, the prosperity of which they created and maintain.

And, now, Sir, let me observe that it was well said by my hon. Friend the Member for Leominster, in a speech which the Home Secretary censures for being animated—I cannot retort the charge on the right hon. Gentleman, who spoke as if "he came to bury Cæsar, not to praise him"—that much of this argument has been conducted on premises that are not strictly true. It has been too much assumed that all the working class are excluded by the present franchise. We are asked to open the door to them, as if the door had been kept rigidly locked and barred against them. But is that the case? I apprehend that in all the metropolitan boroughs artisans must form a considerable part of the constituency. In fact, if your Returns are correct, and if we must prefer them to the calculations of the Member for Marylebone, it is clear that the main reason why artisans living in houses below a £10 rental will not add considerably to the metropolitan constituencies, must be because a large number of artisans in metropolitan constituencies live in houses that are not below a £10 rental. But, take any borough, any county,—have not all and each of us several working men among our constituents? The working classes are, therefore, admitted at present. The door is not locked. You say admit more, many more; open the door much wider. Very well, do so; but, since you cannot admit them all, let us try and establish some better test than that of a certain amount of poverty. Do not lower your franchise upon the express principle of admitting the poor, solely and wholly because they are poor. The Member for Halifax, in a speech of much promise, and in the excellent taste of a Gentleman who can unite ardour for a cause with courtesy to opponents, said, "The best test of fitness for the franchise is the desire to possess the franchise." Let him reflect for a moment, and he is too good a logician not to see that his position is untenable. Desire is no proof of fitness. We all desire to be rich,—is that any proof that we all deserve riches? We all desire to be strong, healthy, and wise, and how few of us take the smallest pains to be strong, healthy, or wise? We must have, then, a better test than desire.

In our Bill we, the late Government, sought to take that simplest-test by which the human being vindicates his claim to reason—I mean the habit of frugality and forethought for the morrow in the man who lives by the labour of the day. We thus did expand the franchise to the working class, not by regarding such voters as the mere symbols of four crazy walls, but in proportion—I do not say as they had a stake in the country, for every child just born has a stake in his native country—but in proportion as they showed they were sensible of that stake, and had by the mere exercise of a virtue most useful to themselves—the mere principle of saving for the uncertain morrow—entered into the class of proprietors, and had become participators in that prudent regard for order which is the safeguard of property, and the main distinction between liberty, which is always thoughtful, and licence, which is always reckless. You dismiss these attempts of ours to modify, refine, and exalt a mere popular franchise—dismiss them without one effort of your own to improve them; and I believe they could be greatly improved and enlarged by a Government in whom Reformers had confidence, and whom this House honoured with a majority; you dismiss not only our notions, but all the remonstrances and all the warnings of your own ablest writers, and you who came into power upon the presumption of superior capacities for a comprehensive scheme, content yourselves with what?—rudely creating an additional constituency upon the express and sole principle that it is to be poorer and less intelligent than the present, without a single franchise of a higher nature; and you make that addition so numerous that in most of those large towns which are the centres of energy, which the Member for Rochdale once told us "govern England," it is that poor and less intelligent class which must take the lion's share of political power. And when we are told by the hon. Member for Birmingham and the hon. Member for Leeds, that a £6 franchise is not so rigidly confined to the working class but what there are several £6 occupiers who are not actually working men, I say that in no way touches our objection. They are equally men subjected to the conditions of poverty and passion; and though we are willing to admit poverty and passion into the franchise, we are not

willing to give poverty and passion the lion's share of political power over capital and knowledge. And I say this, not as against the representation of the working or the poorer classes, but on behalf of their genuine and true representation ; for if you reflect a moment you will own that their true representation must be more or less perfect in proportion to the knowledge which may exist in this House of the inseparable connection between their interests and all our legislative functions.

The Chancellor of the Exchequer, in a speech which, whatever we may think of the Budget it introduced, will remain among the monuments of English eloquence as long as the language lasts, told us truly that "the interest of the working man was consulted less by our cheapening the articles he consumes, than by our stimulating the trade which gives him wages and employment." I advance upon that argument, and I say, therefore, that the true representative of the working man is in every wise legislator who stimulates trade, who strengthens credit, who exalts the standard of society, in which the working man rises with every step that raises the common interest of us all. I say that he has a true representative in every profound lawyer who renders justice more accessible ; in every enlightened philanthropist who ameliorates the condition of humanity ; nay, in every naval or military officer whose professional science suggests sounder defences, not only for the land we inhabit, but for the protection of the commerce which employs the millions, and which rises or falls with the honour of the flag that is only the safeguard of our wealth, because it is the symbol of our power. But, are these the kind of representatives the working class would generally prefer if they constituted the great majority of electors? I say boldly, No. For even in America, where education is far more equally diffused than it is with us, it is the common complaint that such are not the kind of representatives they prefer. Just hear what is said on that score by an American addressing his fellow-citizens—not a political malcontent declaiming on a popular hustings, but a man of high education (Mr. Doherty), calmly addressing the Literary Societies of Lafayette College, and the title of his lecture is "Fears for the future of the Republic." After stating, as a well-known fact, that the more respectable citizens even of the commercial and industrial classes will tell you that they "scorn to mix in politics, their time can be better employed," he goes on to say,

"Thus, the vast machinery of this huge republic in all its departments is for the most part left to the control of bands of men who make politics a trade,—men who laugh at integrity, are insensible to patriotism, are regardless of intellect, who hates the man who tells the truth and will not cringe to them, and love the one who lowest bends, yet cheats them in the end. . . . . Surely it is of vital importance to the well-being of a State that its Legislature reflect the wishes of the people. . . . . Yet there are those who legislate for the different States of the American Confederacy, who are unable to read, much less to frame a statute ; who know nothing of our past history, present wants, or future prespects ; who are ignorant of the constitution, and would not dare to fill the humblest of clerkships, yet occupy seats in legislative halls. But their ignorance is their least fault. Corruption swarms around each Capitol, daring the gaze and defying the power of outraged constituencies ; legislation is bought and sold. Within a year it has come to light that in one of the vigorous States of the West, the majority of the legislature, with many of the State officers, in violation of their oaths and of honour, were purchased each for a given price. Better for us and for our posterity, better for our peace at home, our character abroad, that the legislature of Pennsylvania should meet but once in ten years, than that the State should be disgraced by such representatives and dishonoured by such laws."

Yet these are the representatives whom the majority of the working classes elect, and these are the laws those representatives pass, uninfluenced by that aristocracy to whom the hon. Member for Birmingham ascribes all the evils we endure.

So much for America. Now look to England. Let me ask who in our time has been the man who has had the largest share of the especial confidence of the working classes? Not the hon. Member for Birmingham. No; it was Mr. Feargus O'Connor. And is there any Member present who would say that at this moment the interests of the working classes are not better represented in this House by such gentlemen as I have described, and whom we may recognize wherever we direct our eyes, than they would be if they could turn this House into a synagogue of Feargus O'Connors? But this Bill is to amend the representation. How will it do that? Will it make the House of Commons wiser? Will it make our councils more enlightened? Will it increase the knowledge, the integrity, the pecuniary independence, and the mental discipline, without which we should have no strength in public opinion if ever we had to protect our freedom against an able tyrant and a standing army? We read in that masterly contri-

bution to our history which Mr. Forster has just published, that when Charles I. attempted illegally to seize five Members of this House, all London rang with cries of "Parliament!" "Privilege!" and why? Because at that moment this House represented property, station, and knowledge, as well as patriotism and valour; and therefore, it had strength in public opinion. But a few years later Cromwell expelled all the Members, and locked up the House itself; and there were then no cries of "Parliament!" "Privilege!" There was scarcely a murmur heard out of doors. Why was that? Because the House was then only a Rump Parliament. It had ceased to represent property, station, and knowledge; and, therefore, it had no strength in public opinion, though its majority, even then, were stanch Reformers: nay, they were actually discussing a new Reform Bill, not altogether different from that of the hon. Member for Birmingham, at the very moment Cromwell and his pikemen entered. Is there any Gentleman here who will tell us he expects to return to Parliament a wiser man—a sadder man, perhaps, he may be—when he knows he has ceased to represent property, station, and knowledge, and has become the delegate of the poorest householders in the borough he represents?

But how will this measure improve the constituent body? When that question was asked in the debates on the great Reform Bill, the answer of the Reformers was crushing. You then got rid of the boroughmonger, who sold his borough—of the potwalloper, who sold his vote; and your substitutes were trade, commerce, manufactures—that combination of various interests which is found in the middle ranks of society, which cannot be called a class, because it comprises all classes, from the educated gentleman to the skilled artizan, and which, therefore, does represent a high average of the common sense of the common interest. You, then, did not merely extend the franchise. The Home Secretary has taken pains to prove that. To use the words, I think, of the late Lord Grey, "you purified, you exalted the constituency." But when you are asked, "How does the little Reform Bill purify and exalt the constituency?" what will you answer? You will say, "It is true we found many persons of respectable means and excellent education, who complained that they were without a suffrage; we did not attend to their complaint, but where we found persons living in lanes and alleys, at a rent which afforded the fair presumption that they had little property and less education, we conferred our new franchise exclusively on them. And so we purified and exalted the constituency!"

Sir, let me venture to give you an illustration of the manner in which the little Reform Bill will probably work out the Amendment of the representation and purify and exalt the constituency. I will first assume that the state of the world renders it likely that for some years to come our party differences will occur upon questions affecting our foreign relations. Let me suppose some such question on which Parliament has been dissolved, some question that shall not trespass on what we should now call delicate relations; only perhaps a new quarrel with China. Nothing more likely than that! Suddenly, then, there appear before your new constituency in one of those boroughs which the noble Lord reserves as the nursery of rising genius and the refuge of ill-treated statesmen, two dignified and imposing persons, whom that new constituency do not know from Adam: but these are rival candidates—Thompson is a rising genius, Browne an ill-treated statesman; Thompson supports the Government—genius that rises generally supports a Government; Browne sides with the Opposition—ill-treated statesmen naturally do. They both proceed to canvass Mr. Smith, one of your new electors, a journeyman plasterer—the hon. Member for Leeds thinks that plasterers are entitled to a preferential difference—living in a frail tenement, much in need of plaster, and struggling hard to pay off a harassing debt of £3. Thompson, who supports the Government in a naval and military expedition to Pekin, appeals to Smith's patriotism for the chastisement of the Chinese barbarians and the prestige of the English name. Browne condemns that criminal and somewhat costly expedition, and is eloquent on the rights of humanity and the inoffensive character of an Oriental but industrious population. The more the candidates talk, the less interest they excite in the breast of Smith, one way or the other, for the affairs of China. In fact, his whole mind is absorbed in the consideration of those £3 which neither of these eloquent strangers helps him to pay. Now there appears a third person on the stage, and he whispers to Smith, "Vote for Humanity and Browne; vote for the preser-

vation of the Celestial Empire and its countless millions; and you shall have 30*s*." Smith indignantly rejects a bribe thus coarsely offered; nevertheless it cannot but occur to him that 30*s*. would pay off half his debt, and for the first time in his life he begins to conceive an interest in the affairs of China. Now there appears a fourth person, the real *Deus ex Machinâ* —a solicitor, or a solicitor's confidential agent—a fellow-townsman, a man whose word is as good as his bond; and he whispers to Smith, "You are an honest man, and not to be bribed; I know all your affairs; you are tormented by a paltry debt of £3; that debt shall never trouble you any further if you vote for Thompson and your country's glory." Well, Smith begins to think of his wife's anxious face, of his children's scanty supper; thinks what a blessing it would be to rise the next morning free from the incubus of those £3; and as he so thinks, can you wonder that he begins to care no more for the Celestial Empire than the Celestial Empire cares for him? The man's heart is tempted, and the elector's vote is bought. That is the origin of corruption, and such corruption soon becomes contagious in proportion as you multiply voters to whose knowledge China is a phantom, and to whose wants £3 are the Indies.

These instances occur now; but will you tell me that they will not be much more numerous under your new constituency—ay, and on questions far more vitally important to England than an expedition to Pekin? But why more numerous? Because poverty and debt are not the staple of your present constituency. But reduce your franchise to almost the humblest tenements in which poverty can face debt, and I leave the conjecture of the probable result to your own indulgent knowledge of human nature. Are we to be told that the ballot would cure this? The ballot! Why, is there a Gentleman old enough to sit in this House and yet young enough to believe that if our friend Smith, who is not a bad man, and who will not break the promise he has given on a consideration, could drop into the ballot-box a vote, perhaps, against the inclinations of his party, he would not have a conscience still more placidly resigned to that chastisement of the Celestial Empire and that vindication of his country's glory by which thus quietly, unobtrusively, and without giving offence to any one, he could pay off his debt of £3, and, perhaps, by that vote serve to add £3,000,000 more to the debt of England? The hon. Member for Birmingham has a more speedy and decided cure for this evil. He would get rid altogether of these nurseries of rising genius—these asylums of ill-treated statesmen; he would have only constituencies so numerous that they are less likely to be bribed in detail than bribed wholesale, by some system of direct taxation which shall reduce the duties on the articles £6 householders consume, or defray all the expenditure necessary to protect the houses they inhabit and the freedom they enjoy, at the exclusive cost of persons who are better lodged than themselves. This kind of corruption I hold to be infinitely more dangerous than the other; for a nation may continue great and flourishing even though rich candidates do bribe poor electors, but the greatest nation in the world must become bankrupt and ruined if the poor could carry any system of taxation which embodies a principle that confiscates the property of the rich. Therefore, though I am far from saying that a bolder redistribution of seats may not be required for the ultimate settlement of this question, I say that if that re-distribution is to be based on a £6 franchise, without any equipoise, in all the larger urban constituencies substituted for smaller boroughs, you will render the danger of a low franchise immeasurably more formidable, and though there may be less individual bribery than among small constituencies, you will incur a much greater risk of that general political corruption which ends either in the spoliation of property or the loss of freedom. Yet, if you pass this Bill, the Member for Birmingham is quite right in thinking that an extensive re-distribution of seats, which shall give the same £6 franchise to urban multitudes, must follow. "Give him," he says, "this £6 borough suffrage, and he will there fix a lever that shall lift about a hundred gentlemen round him out of their seats, and launch them into the abyss of space." That is the very next of what he mildly calls "successive steps;" and when I heard him thus inhumanly predict the massacre of the confiding innocents who were then actually grouped around his very knees, I turned towards those unfortunate gentlemen with a thrill of superstitious awe at the despondent resignation with which they seemed to hear the executioner announce their doom. Well, then, I think this change will not make the representative body wiser nor the constitu-

ent body purer. But an hon. Member said in the former debates that "this was an age of progress," and from that fact he argued that, because we had railways and steam, therefore we ought to have a £6 constituency. I do not see the *sequitur*. Steam and railways are produced by the science of the learned and the capital of the rich; and I cannot understand by what principle of logic I am to call that a progress which places our legislation at the mercy of men who are the reverse of learned and the opposite of rich. The Home Secretary says he supports the Bill "because the time has come to make some further progress in the same direction in which we made so great an advance in 1831." But by this Bill you do not advance; you go back, and in the direction from which that great reform so resolutely departed; you go back by one long stride towards the old scot-and-lot voters, whom the great Reform Bill was originally designed to get rid of—go back to the very constituency which the experience of centuries had proved to be venal. It seems to me that we thus engender the coarsest vices of democracy without any of its redeeming grandeur. Pure democracy, in the classic sense of the word, has conferred on the civilized world too many benefits as well as warnings not to have its full share of enthusiastic admirers among men of cultivated minds and of generous hearts. But for pure democracy you must have the elements that preserve its honesty and insure its duration. Those elements are not to be found in old societies with vast disparities of wealth, of influence, of education; they belong to the youth of nations, such as colonies, and when any Gentleman cites to us the example of a colony for some democratic change that he would recommend to the ancient Monarchy of England, I can only say that he has not studied the hornbook of legislation. The acute democrats of that sublime Republic by which we are all unconsciously instructed whenever we discuss the problems of Government—the acute democrats of Athens—were well aware of the truth I endeavour, before it is yet too late, to impress upon you; they were well aware that democracy cannot long co-exist with great inequalities of wealth and power; they, therefore, began by ostracizing the powerful to end by persecuting the wealthy. And I cannot forget, since I have referred to that noble commonwealth, which may almost be called the England of the ancient world, that one main cause for the decline and fall of Athens has been traced by those writers, whose authority the scholars I see before me will agree to accept, to the adoption of the very principle you now commend to us—I mean the extension of the suffrage to a class the most eager for political change and the least accustomed to weigh political consequences. That extension would have been then justified by much the same arguments you use now. It could have been truly said that the extension was not very large in itself; that it still left the whole suffrage small compared to the whole of the male adult population; that it did not admit even the majority of the working classes, for the working classes there were chiefly slaves or settlers; it would have been said, "Do you fear your own countrymen? Can you dispute the intelligence of any class of Athenians?" and, indeed, the humblest Athenian had facilities for education that we cannot give to our working men. All such arguments would have been very plausible—they are the arguments we hear to-day. But, nevertheless, the extension did contrive to give to poverty and passion a preponderating power over capital and knowledge; and the results were soon visible in a series of "successive steps"—in new tamperings with the suffrage in the same direction, in a plentiful crop of eloquent demagogues outbidding Liberal statesmen; in a system of direct taxation, which was unjust to the rich, and made the rich either indifferent to politics or hostile to liberty; in unwise expeditions called for by a brave and eager population, who called for them the more loudly because the rich paid for them; in the destruction of the fleets which had secured to the England of the ancient world the empire of the seas; in her subjugation by her near and formidable rival, who possessed a genius more military than her own, whom her free speaking had seriously offended, and who, under the conduct of a chief of whom it was said—pause, and think whether the same can be said of any foreign chief now living—"that where the lion's skin fell short, he eked it out with the fox's," while her orators still talked about "progress," while her factions still wrangled for power, sailed into the Piræus itself, and gave her liberty to the winds.

But why do we all hastily yet languidly agree to shovel this question away, to accept this or any measure of Reform, though what it is to reform none of us could satis-

factorily explain? Is it not because we all do desire for the next ten or twelve years to have done with the subject? And I can well understand that Gentlemen on both sides should feel eager this very Session to try and effect a compromise which, though not final, will give a new constitution a trial for at least half the term of years which we have given to the Constitution of 1832. To attain that object I should myself be prepared to approve a measure really comprehensive and substantial, that should unite a larger representation of numbers with some prudent securities for the fair representation of property. For it is better, of the two, if we are to alter our house, to alter it so as to get rid of its chief inconveniences than it is to pass the best part of our lives in the hands of the architects. One may put up with a great deal of alteration if one can say, "Thank Heaven, one is settled at last;" but there is no inconvenience equal to that of never being settled at all. But is there one Gentleman who can flatter himself or us that if we pass this Bill we are one jot nearer to settling the question of Parliamentary Reform? There is not a single inconvenience of which educated men complain that this Bill even attempts to mitigate; no attempt to lessen the expenses of elections; in counties, I suspect that those expenses will be doubled; no attempt to enfranchise the many enlightened and respectable men who happen not to be householders; no attempt to lessen the chances of bribery—on the contrary, as we have seen, to increase them. Thus the next general election will not inaugurate this Reform Bill, but rather record the dissatisfaction of its own supporters at its crudity and incompleteness, and their solemn pledges that they will continue with increased ardour to struggle — what for? Why, for a new Reform Bill. So that this measure is only the shoeing-horn to some fresh miracle of cobbling, in which, with weary feet and in "successive steps," we shall plod the same dull road, sure to pass our nights again under the same old sign of the Blue Boar. I say, then, as men of business, we do not get our consideration; that when we have paid the bill we do not get that acquittance and receipt which can alone reconcile our doubts as to the justice and propriety of the demand. The Member for Birmingham says persuasively, "Take this, or you will get something worse." But if we take this do we not strengthen his hands to give us the something worse into the bargain? Thus we go into Committee on this Bill with the conviction beforehand that it pleases no one and settles nothing—that, do what we can with it, it will remedy no evil, produce no benefit, satisfy no class—not even the class of the working men; all we shall have done, if we pass the Bill, is to place an empire, which rests its wealth and greatness upon causes so artificial and delicate that, once destroyed, that wealth and that greatness could no more return to England than they could ever again return to Venice, in the hands of men whose means of existence and facilities for education are—if a household test be any test at all—nearly one half below the lowest standard of the existing suffrage in our towns.

So much for the Bill itself. A word now as to the time in which we are called upon to pass it. The Home Secretary says he hopes there is to be no ignoble resort to the Fabian policy of delay, while at the same time he rejoices that there is to be a Committee of the House of Lords to consider whether that Fabian policy in England may not be entitled to receive the same praise that it received in Rome, where it was called, in classical expressions that have passed into proverbs, "The salvation of the State and the shield of the Commonwealth." And it does seem to me the height of inconsistency to concede a Committee of the other House of Parliament upon the very points that we are called upon to take for granted, so that this House may stamp its approval on the Bill simultaneously with the publication of evidence which may show that if we had waited for three months we should have found that we had been legislating for remote generations upon data on which the Home Secretary would not have filled up the humblest office in his public department, nor accepted a tenant on a seven years' lease for the smallest farm on his private estate. But even if no such Committee had been conceded, I would ask if there be not two very evident causes which render this special time peculiarly unfortunate for discarding a legislative body with which the nation has become familiar, and choosing another of which it can know nothing. Those causes are, first, the state of affairs abroad; secondly, the state of our finances at home. On the one side all the signs and omens that indicate storm, on the other the gulf of an enormous deficit which this Parliament first sanctions and widens, and then, like many a private

speculator, commits suicide rather than face the day of reckoning.

But let us first glance at the state of affairs abroad. The Chancellor of the Duchy said in the debate before Easter, "Affairs abroad were critical when you (Lord Derby's Government) introduced a Reform Bill. War in Europe was then imminent; you did your best to prevent it, but that war soon broke out." Perfectly true; and, as an *ad captandum* argument addressed to a £6 constituency, the right hon. Baronet's answer would be very clever and telling. But addressed to this House, as at present constituted, it seems to me to be a poor resort to what schoolboys call the *tu quoque* kind of logic, and not quite worthy the right hon. Baronet's just reputation for ability and candour. The difference between the two periods of time is immense. That difference has become infinitely more marked since the commencement of the Session. The noble Lord who is at once the introducer of this Bill and the responsible Minister for Foreign Affairs has not only acknowledged but enforced that difference in speeches in the House and despatches to Foreign Ministers, which have been equally worthy of himself and faithful to the sentiment of the country; and I am sure there is not a loyal Gentleman on this side of the House who will not pardon and perhaps even sympathise with me when I say that looking towards the chief under whom I once served as a private soldier, I rejoice to think that here at least I can equally defend my country's honour and his renown. Well, then, will not the noble Secretary tell his colleague the Chancellor of the Duchy that the difference between the two periods of time—between the time when Lord Derby's Government introduced a Reform Bill, and the time in which we now are—is immense? In a war undertaken by France for the independence of Italy, there was nothing that threatened England; in the peace concluded by France, with the enlargement of her boundaries, can we say the same? We see before us now, as we saw then, a neighbour of gigantic power. He said then to us, "This power I will not use for one selfish object." We had no right to disbelieve him. Now we not only see the power but the use that is made of it; and events have shown that our neighbour can say one thing and mean another. You now know the character and conditions of the French Empire; you now know that the peace of the world and the security of England hang on the nod of a single man, whose thoughts none of us can penetrate; whose ambition none of us can measure. At the stroke of his pen the existing geography of Europe may be changed as rapidly, as in his own country a republic that vied with the American, collapsed into a sovereignty as imperial as that of the Roman Cæsars—a sovereignty, like theirs, preserving the forms, while it destroys the substance of liberty; more dangerous to its neighbours than the ancient monarchies around it, because it is as little bound by their scruples, as it is by their treaties. It has the young blood of the revolution out of which it sprung; it inherits the licence and the force of the multitudes who deem themselves crowned in its coronation. Thus, it combines in a terrible union, the arts and necessities of a brilliant demagogue, with the armies and the objects of a military chief. Such a combination is rare; it has never hitherto occurred in the history of the world without threatening the landmarks of its neighbours, and woe to the nation that it finds unprepared to cope with its twofold power over the multitudes that it dazzles and the armies that it wields? And the danger is the greater because we deal with no vulgar tyrant, no petty dissimulator. The Emperor of the French has those high attributes of genius which render even his defects popular and majestic with the people that he governs. He has capacities for organization not inferior to those of his illustrious uncle, and he consolidates both his ambition and his intellect by an inflexible singleness of purpose, by a mixture of secrecy in design and promptitude in action, which give the vigour of Richelieu and the astuteness of Mazarin to the leader of 600,000 soldiers. Such are the character and conditions of the French Empire, involving nothing that would justify our taking one step either to court its hostility or forfeit its alliance, nothing that should make us depart from our position as an insular commercial population by seeking to excite a counter league among the Powers of the Continent before they themselves invoked our assistance, but involving much that requires unrelaxing vigilance as well as disciplined judgment on the part even less of Ministers than of the House of Commons. And, therefore, it does seem to me a wanton imprudence to discard at this moment a legislative body whose fidelity to English interests and

English honour has been proved and tested, which certainly cannot be called worn out and *effeté*, which is actually younger than most of the youngest Members among us, which has not spent thirty years in acquiring some familiar acquaintance with its arduous duties, for a raw and untried legislative body, chosen by the *minimum* of political experience to meet times that may require the *maximum* of political knowledge.

The Home Secretary says this transfer of political power will be a security against invasion, and that if Napoleon I. had not been so unpopular, he might have defied the armies that invaded his capital. What is meant by that argument and that historical illustration? Is the Queen of England unpopular? Has the nation shown that it requires a £6 constituency to teach it the virtue of self-defence? Or, if it be implied that the House of Commons needs amendment in one simple respect to render it more disposed and more resolved to resist an invader, I deny the ungrateful imputation. This poor House, as at present constituted, has borne us gallantly through a war which tasked all our national virtues, and revealed to us all our administrative defects. With an energy which had no signs of decrepitude, it has adapted our armaments to the improved science of the age, and placed this country in a state of defence which will need steady patience and self-sacrifice to maintain. Are we sure that that patience and self-sacrifice will equally characterize the new constituency and their new representatives? No doubt we shall have Members just as anxious for what is called the honour of the country, who will make high-sounding speeches against truckling to absolute Sovereigns, and insist on the right of the House of Commons to become the garrulous confidant of every secret which Cabinets would keep to themselves. But will the new representatives of the new constituency be as provident of practical defences as they may be lavish of verbal provocations? Will they as readily submit to the taxation which is necessary to self-defence, so long as the world shall see wars commenced for the propagation of ideas, and peace concluded by the acquisition of domains? Sir, it is possible that they may possess all such requisite qualities in a higher degree than ourselves and our constituents; but at least there is a doubt the other way, and, seeing that doubt, it would be no such great infelicity if, at a juncture so critical, we could be contented to let well alone—if we could defer putting this great nation into the lottery of chance until we could see more distinctly the face of the goddess who presides at the wheel; until we could judge whether, in truth, we behold in her that Fortune who smiles upon peace and commerce, "*dominam æquoris*," or whether she be rather that more terrible deity,—

> "Clavos trabales et cuneos manu
> Gestans ahenâ"——

whose attributes are calamity and war. But still more do I think it would have become this Parliament to remit to its successor a less formidable balance-sheet of deficit and revenue. I say nothing here against the Budget or the Treaty, on which I have refrained from all other opposition than that of a silent and, I will add, a reluctant vote; reluctant partly because of the sincere and, may I say in his absence, the affectionate admiration in which I hold not more the talents than the character of the Chancellor of the Exchequer; partly because though I doubt the prudence of both those measures, the Treaty and the Budget, I fully recognize the generous and enlightened hopes upon which, whatever the issue, they may rest their vindication. I say nothing, then, against the financial scheme of the Government; but I do say to this House, which has sanctioned that scheme by so large a majority, that if we, the Parliament of Lord Grey's Reform Bill, have been the trustees for this infant constituency, it would surely be well if we could render accounts to the ward whose year of attaining majority we so impatiently advance, without presenting to its earliest consideration a debt or deficiency of £10,000,000 or £12,000,000, which we leave its inexperience to settle without an effort on our part to lessen its embarrassment or to warn its councils. If we are to assemble this new *tiers état* it is a sinister coincidence with a very dark page in history that the appeal to numbers should be simultaneous with a deficit which we have not the happiness to supply, and problems in the science of taxation which we have not the courage to solve. But all this is for your consideration, the consideration of the Queen's responsible Advisers, and of that majority by whom the late Government were displaced, rather than for any exclusive or obstinate resistance on our part, which, if unavailing, would be obviously unwise.

Sir Bulwer Lytton

The Chancellor of the Duchy somewhat scornfully asked us, "Why don't you divide?" and answered his own question in the same breath, "Because you know you would have a majority against you!" In return, I ask him, not scornfully, but in a sober appeal to his love of truth, "Granting the fact of that alleged majority, does it not contain Members more than enough to turn the scale in our favour if they voted according to the opinions they express in private?"

Now, it is because there is at present to be no division, because we would not, if possible, make that strict demarcation of parties which would not faithfully represent a real difference of opinions, that I hope I may, without presumption, solicit the serious reflection of those enlightened Reformers who do not desire change for the mere sake of change. I know, indeed, that there are some persons who believe that progress consists in always stopping on the road to alter the springs of the carriage in which we travel. I know that there are some who think that man was made for nothing better than to pass his whole existence in the ecstatic contemplation of interminable Reform Bills.

But let us flatter ourselves that such amiable enthusiasts are to be found chiefly out of doors, and not among us, to whom education and knowledge of the world may fairly be supposed to have given the ordinary attributes of common sense. We cannot disguise from ourselves that, whether we look at home or abroad, this is a somewhat critical moment in the destinies of our country, one in which we would rather summon the highest wisdom, the ripest experience we could obtain for our guidance, than merge such wisdom as we do possess, such experience as we have acquired, in the arbitration of men who have never been hitherto called upon to judge of questions so complicated and grave, and from whom, if you once appoint them, you can never have a court of appeal. I do not say that the reasons I have urged as to the state of Europe or as to our own financial deficit are reasons that the Government could openly put forward for withdrawing this Bill; but they are reasons which their own supporters might privately urge upon them, and they are reasons which might satisfy their own good sense and justify them before the public if, having honourably fulfilled their pledge to introduce a Reform Bill, this Bill was withdrawn on the obvious and unanswerable ground that it has failed to give general satisfaction. Nor do I consider that failure a serious reproach to this or to any Government. A Reform Bill, so easy to the theorist, is very difficult to the practical statesman. The hand of the true artist may well tremble when he applies the hammer and the chisel to the palladium of his country's laws. I do not presume to think that anything I can say will have the least influence upon the Government, but they would be wrong, indeed, if they did not respect what may be said, or if not said, what they know is thought, by their own temperate and tried supporters. If, however, you tell us that, be the Bill good or bad, you are resolved to persevere in it; that what we think its defects you hold to be its main principles; that you will not wait for the Report of the Committee you have conceded to the other House; that you will avail yourselves of the natural reluctance which the Members for boroughs may feel openly to declare against those new constituents to whom, next December, you would condemn them to appeal,—if that be the course which, as the Queen's advisers, you deem it your duty to pursue then I can only express a fervent wish that the result may justify your reversal of all the rules by which the statesmen, even of republics, would rather seek in similar time and circumstance to strengthen the hands of the executive than transfer to the wide circle of an unaccustomed multitude the nice and permanent adjustment of national finances, and the cautious preparation against perils which already alarm the boldest statesmen and menace the strongest thrones.

Mr. MARSH said, that in answer to the challenge of the right hon. Baronet he for one was not ashamed to avow in public that which he had stated in private, and therefore declared that he would not support the Bill in its present shape. The only doubt he entertained was whether or not something might be made of it in Committee; whether the franchise might not be made £8 instead of £6, and whether securities could not be obtained that persons who compounded for rates should not be allowed to vote unless they paid the full amount as their fellow-townsmen. This was the first time in the constitutional history of England that any attempt had ever been made to lower the franchise. By the Reform Act of 1832 the franchise was raised rather than lowered. The copyholder, the £20 leaseholder, and the £50 tenant-at-will in counties was of a higher

grade than the old 40*s.* freeholder, and the £10 householder in boroughs and cities were superior to the ordinary freemen and the potwallopers of former time. What would be the effect of lowering the franchise? In quiet times bribery and other influences might be brought to bear so as to make the Parliament conservative when Conservatism was not wanted; but in times of war and bad harvests, when want and misery prevailed, how would the £6 householders act then? He would ask sincere Liberals like himself, who earnestly desired substantial reforms, whether they expected anything liberal from a low franchise. Democracies might be anything, but they were never liberal. Would the mob who followed Lord G. Gordon have granted Catholic Emancipation or the repeal of the Test and Corporation Act. It was true that the Reform Bill of 1832, was, in a great measure, carried by pressure from without; but at Preston, where there was almost universal suffrage, they returned a Member who voted against that Bill. The same might be said of the potwallopers of Wooton Basset and other places. Then there was the Poor Law Amendment Act, which had not only conferred great benefits on the rich but also upon the poor man, by raising his wages; but had that Measure been left to the democracy, it would never have been carried. As to the repeal of the corn laws, the people could well understand cheap bread, but they did not, and never would, understand what was free trade; and as to the admission of the Jews to that House, he believed that if the people of this country had been polled, that they would never have admitted the Jews. He did not at all impeach the virtue and qualities of the working man, but he knew that he was liable to be led away by agitators. There had not been many meetings in the country in favour of the Reform Bill; but there was one meeting held in the recess at which an orator of considerable talent had told his auditors that those armaments which had been forced upon that House by the voice of the people and public opinion were but a mere trick for the purpose of providing places for the scions of a grasping aristocracy. The orator knew his audience, and his statement told, for it was received with cheers. The people believed that wars were made to provide the lucrative appointment of a cornetcy and the luxury of a midshipman's mess for the scions of the aristocracy. If such statements were made now and believed, what would be the case hereafter if this Bill passed? Allusion had been made by the right hon. Baronet opposite in his eloquent address, to the democracy of America, but he (Mr. Marsh) had had experience of a democracy far more extreme in its form. He had seen the working of democracy in Australia, and he was sure that every true friend of freedom must lament the present condition of those colonies. One of the worst features was the apathy of the better classes, who left all affairs in the hands of mere political adventurers. He might refer to the colonial newspapers, for the unsatisfactory working of the new constitutions in several of the Australian colonies. In Sydney the franchise was made the stepping stone to official and personal advantage by mere adventurers, the respectable merchants and other persons of education and station not interfering, it being next to impossible to induce one of them to go to the end of the street to vote. It was a law in New South Wales that a poll could not be demanded unless six electors joined in the demand, but at two recent elections only five persons were present, the hon. Member being in each case elected on a show of hands by five electors. In the Legislature of Victoria, the pet colony of the hon. Member for Bristol, (Mr. H. Berkeley) he found there had been not long since a debate upon a Motion that a sum of money should be appropriated out of the public revenues for the payment of Members, almost the last downward step of democracy, which led to a very disgraceful scene, but which was ultimately carried. Worse still, the fountain of justice was poisoned; magistrates were appointed from the lowest classes—persons wholly unfit for such situations—and thus the habitual reverence Englishmen had for law was weakened if not destroyed. How was the poor man to respect law administered in a way which was unjust, unscrupulous, and possibly venal? It had been suggested that trades' unions might have great influence at elections if a very low franchise were adopted. That was a mere speculation here, but unfortunately in Australia it was a fact. It had been determined in New South Wales that railways should be constructed on the foreign principle of concession—that was to say, by giving people certain lands and privileges for the formation of a railway. He did not say whether that principle was good or not; but the result was that the

trades' unions immediately petitioned the Legislature to make railways with the public money, in order that employment might be given to their members; and in one night £3,000,000 of the public money was voted for the construction of railroads. In another case 300 persons, who said they were unemployed, went in procession to the Secretary for Lands and Works. Mr. Robinson, the Secretary, received them very kindly, and promised them every aid in securing employment for them. Then a deputation of the iron trade appealed to the Government in favour of the eight hours' movement; the ground for all this could not be that they were in want of employment, while at the same time there was an advertisement in the papers offering 15*s.* a day to workmen for three months certain. That was the state of society to which they would come if they lowered the franchise. Since the Reform Bill of 1832, many important measures with regard to commerce and navigation had been passed, mainly by the exertions of the able men whom the commercial constituencies had returned to that House; but if the franchise were lowered, what would become of such men? No Members would be elected who would not promise to secure for the working classes ten hours' pay for eight hours' work. Candidates would have to give a promise, like Jack Straw, that a penny loaf should be sold for a halfpenny. Political economists had to a certain extent been formerly radicals, and had flown to democracy to assist them; but he would ask whether democracies were even good Political Economists, witness the restrictions on trade in France and America, and the nonsense mooted by the trades unions in England. Financial reformers also were inclined to a democracy, but were democracies ever thrifty when they were spending other people's money. They had only to look to France, America, or Australia, if we wished to know of what extravagance, corruption, and jobbery a democracy could be guilty. There were persons now engaged in what all must call a holy work, endeavouring to bring about a time when war might cease, and these men fled to democracy for support; they sought for peace where there was no peace. He questioned whether democracy was ever peaceful. Were the small democracies of Greece peaceful? Was not the great democracy of Rome aggressive? Look at the enormous armaments of France. Look at the acts of America. Was not America always quarrelling with a weak neighbour, and annexing some of its territory? How often within the last few years should we have quarrelled with the United States but for the dignity and good temper of John Bull! The Oregon Question, the Enlistment Bill, the outrage at Vancouver's Island, would most probably have occasioned war with America, if England had been a democracy. He firmly believed that the military aspect of France was mainly owing to democracy. The French naturally were not so warlike as ourselves. There would be no army there without the conscription. The conscription was the key-stone of the gigantic military system which kept the whole of Europe in hot water, and made us pay the income tax. In time of peace and parade we no doubt experienced some difficulty in enlisting soldiers, but the moment a Crimean war began, or an Indian mutiny broke out, we could get any number of soldiers. The contrast between the French conscript and the English recruit was very great. In England, when a man enlisted as a recruit, he went with his comrades to the depôt of the regiment singing "Cheer, boys, cheer!" or some such inspiriting ditty as that; but when a young French conscript left home to enter upon his military career he took a formal and solemn leave of his family, finishing the ceremony by kissing his grandmother. The conscription in France was popular, because it was supposed to have a tendency to raise wages, by withdrawing a large portion of the population from the labour market. It could not be contended that this Bill was required on the ground that at present the interests of the unrepresented poor man were uncared for in that House. In the case of the Factory Act and other similar measures, all the rules of Political Economy were broken, in order that the working man might be benefited. By the Health of Towns Act everything was done to promote the poor man's health. Again, take the question of taxation. What taxes did the poor man pay? He paid no income tax. Nothing that he wore was taxed in the slightest degree. Nothing that he ate, except a plum pudding, was taxed. In fact, taxation was struck off everything he consumed, except drinking and smoking; and with regard to the tax he paid on his porter, he believed more of it went to support a monopoly than to the revenue. The question of Reform would not be set at rest by passing the Bill. If the Bill were passed there would still be

continual Motions about the extension of the suffrage, and about the ballot-box, or some other Pandora's box, out of which nothing but evil would come. As to the county franchise, he should suggest that if it was to be fixed at £10, it should be in respect of rental on a house, irrespective of land. On the general question he would say, let them proceed in a spirit of constitutional conservatism and social and economical reform, and let them leave the franchise, as it was now, in the hands of the great middle classes, who, since the passing of the Reform Act, had sent men to Parliament intent on discharging their public duties with earnestness and zeal, and who, under Providence, had raised this country to a pitch of prosperity and happiness never enjoyed by any other nation in the world.

SIR JAMES FERGUSSON said, he felt the disadvantage of following the right hon. Baronet who had recently addressed the House, who had comprehended, if not exhausted, all the arguments against the principle of the Bill. Indeed, were it not that he (Sir J. Fergusson) had a strong feeling that those to whom large constituencies had entrusted their representation in that House ought not to be indifferent to a settlement of a question involving interests so varied and numerous as those involved in the measure then under consideration, he would not have troubled the House on that occasion. But he thought one advantage was derived from this fact, that no one had risen that evening to support the Bill or attempt to cope with the arguments adduced against it, and that advantage, in his opinion, was that a feeling was thus manifested to follow the excellent advice given by a noble Lord in "another place" to attempt to grapple with this subject not in a party spirit, or to seek a party triumph, but to consider calmly and with that honesty of purpose which ought on the subject more than any other to actuate their deliberations, whether it would be more expedient, during the present Session, to legislate on the question or postpone it. The subject was further simplified by the unity of sentiment which seemed to actuate moderate men of all parties. The noble Lord the Foreign Secretary both at Aberdeen and in that House had expressed sentiments which could not but meet the approbation of the majority of that House. He said the great object they should have in view was to give the franchise to those best fitted to exercise it, and that it was not so much the question of numbers as of fitness that should guide them in their deliberation. He (Sir J. Fergusson), however, regretted to find that the Bill of the noble Lord was not framed in accordance with that opinion. The expressions used by the noble Lord in 1832 were still more apt, and if the principles he had then put forward were recognized in the present measure, the noble Lord would not have provoked the opposition which he now encountered—an opposition the more powerful from the circumstance of its not having been as yet embodied in a distinct Motion. The measure of 1832 had wrought a cure for that deep-seated corruption which had existed for some centuries in the State. It proceeded from the same cause as had made the Walpole administration unfortunately remarkable—namely, the corruption that was brought to bear upon Members who then constituted a majority, but who were not amenable to public opinion because they were not elected by large or important constituencies. All expenditure of the public money for the benefit of individuals rather than the public, had been every year since gradually checked and lessened. Now he was afraid that corruption was more possible, and likely to be carried on by a such a democratic change as was now proposed, than by any legislation under which the representation of the country would be placed in the hands of the few. Evidence was not wanted to show that in countries were democratic principles prevailed, there also prevailed a low tone of public morality and a lavish expenditure of the public money. It was a question with him, whether the proposed Bill would not open the door to more corruption than had been put an end to by the first Reform Act. In considering the Bill before the House, and whether or not it was applicable to the present period, they ought to ask whether it was calculated to satisfy the aspirations of political reformers, and to remove existing anomalies, and whether it fulfilled those promises which its author in his opening speech had held out as an argument in its favour. At present the upper and middle classes had a fair share, without seeking for anything like a monopoly in the representation of that House. The working classes also held an important share in the representation, and were every year gaining a much larger one. If the noble Lord had proceeded in the spirit of the measure of 1832, whilst extending the franchise to all those who

possessed higher qualifications than those who now enjoyed it, he should have opened the door to such members of the working classes as had the energy and disposition to raise themselves to it. If he were sincere in his aim he should have so framed the provisions of his Bill as to hold out to working men inducements to aspire to the possession of the franchise, and not reduce the qualification arbitrarily to include large numbers of them. There were two very important omissions in the Bill—such omissions as entitled the hon. Member for Birmingham (Mr. Bright) to say that he did not consider it a Reform Bill at all, but only a Bill for the extension of the franchise. In any Bill deserving of the name of a Reform Bill, there ought to be an attempt made to remove existing anomalies. It appeared to him, though his opinion might not be shared by many hon. Members on his (the Opposition) side of the House, that the most startling anomaly was the large number of representatives that were returned by very small constituencies, and the small number of Members returned for the larger constituencies. Surely this was an evil that demanded a remedy in every Reform Bill. Then, again, the inequalities of representation, which were closely allied to the other anomaly. Some additional Members were given to large towns in the most objectionable manner, leaving large and important minorities as little represented as they were before. Could anything be more unjust than to give two additional representatives to the West Riding of Yorkshire, for example, where 11,000 persons had voted at the last election for the defeated candidate? That minority would no doubt be considerably increased under the present Bill, and yet in all probability they would continue as unrepresented as before. He thought it was wilfully to disregard an opportunity for a beneficial change to propose to increase the injustice rather than to correct it.

Notice taken that Forty Members were not present. House counted; and Forty Members being found present—

SIR JAMES FERGUSSON resumed: An hon. Member referred to the great inequality of the representation as regarded Scotland. That country occupied much less attention from the Government than it deserved. Scotland, in respect to its wealth and population, was entitled to at least seventy Members. By the present Bill she was only to get an additional three or four seats, and therefore Scotland had great reason to object that the inequality of representation of which she complained was continued by this Bill. This was another proof of the grave omissions of the Bill. It would be folly to pass it, too, without some attempt to remove the scandal and reproach of the intimidation and corruption which now existed. The obstacles which existed to the exercise of the franchise he looked upon as a standing reproach to all sincere reformers. Whether it were intimidation or corruption, intimidation by oppression or otherwise, it seemed to be practised in a great many places with perfect impunity. Whilst the noble Lord was extending the franchise to the lower classes he ought to have provided some means by which they would be protected in the exercise of their privilege. Without such protection it was better that they should be left wholly unenfranchised. The revelations in the Committee rooms up stairs had shown that corruption and intimidation was the canker which was eating into the root of our representative system. That evil he thought would, in a great measure, have been obviated by the proposition made by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli)—namely, the distribution of voting papers. If that provision were carried many of the better class of voters would be able to exercise the privilege of the franchise who were now unwilling to run the risk of facing a riotous mob. Again, when the Bill proposed to admit to the franchise a large mass of the working classes of boroughs, upon what principle was that privilege to be denied to the same classes in counties? Was it because the same class of dwellers in towns were more educated, more enlightened, and more independent? He denied that this was so. Trades unions and associations were fully as tyrannical as any masters. The hon. Member for Edinburgh (Mr. Black) had shown the wide-spread influence of those unions, but he could not understand how the hon. Gentleman, whilst holding the opinions he had expressed that evening, could have been induced to vote a short time since in favour of a Resolution affirming the opposite principle, and upon the success of which Resolution the Reform Bill of the late Government was refused a fair discussion. The only intelligible principle of the present Bill was that it gave the franchise to a certain number of persons; but it was most un-

just and impolitic to give to the working classes the power to override all other classes in a constituency. Therefore, his great objection to it was that while it extended the franchise by giving power to mere numbers, it failed to include classes much superior to those who lived in houses of £6 value. Members of the learned professions, officers of the army and navy, certificated schoolmasters, and other lodgers were all persons paying much higher rents than the house occupiers who were enfranchised. The residence in lodgings was the condition, and not the exception, of many hundreds of persons well qualified to exercise the franchise. He trusted that the House would not consent to this great injustice and anomaly being maintained. For whom would the working classes legislate if they were invested with supreme power? Could they be expected to legislate with large and enlightened views, and look beyond their own immediate interest? As the hon. Member for Edinburgh (Mr. Black) had pointed out, the 600,000 new electors might be ruled over by a small junta in London, exercising an influence throughout the entire country greater than that exercised by any legitimate authority. The manner in which that influence would be exercised, and what its effects would be in cases where that junta was interested in carrying out its own views, might readily be imagined by all who did not wish to ignore the experience of the past, or to disregard the laws upon which human society was regulated. He contended then that it was a false principle to extend the franchise merely on the standard of numbers. If the working classes were not fit to exercise it they ought not to have it, no matter what their numbers. On the other hand, if they were fit to exercise it, it was wrong to keep it from them, no matter how numerous they might be. But was it just that they should have the franchise conferred upon them without any test of education — even to the extent of requiring that the voter should possess the education given in a charity school, or that he should read? It had often struck him, when canvassing in English boroughs, that it was a great anomaly to see officers, graduates of universities, and other persons of education without a vote, while perfectly ignorant persons, and in many cases persons following disreputable occupations, had the franchise. Surely that was an anomaly which ought to be removed. There could be no doubt that this Bill would indirectly confer great influence on individuals. He was informed, for example, that the representative of one of the metropolitan constituencies was the proprietor of 800 dwelling-houses, the occupants of which would all acquire votes, and that an eminent manufacturer would have a larger number of his workmen enfranchised than was set down in the returns of the noble Lord for the whole burgh in which he lived. This subject had, undoubtedly, become too serious to be dealt with for mere party purposes. He feared the Bill, as now framed, would be likely to lead, not to a settlement of the question, but to further agitation and disturbance. The most notorious agitators had given fair notice that this measure would be used as a stepping-stone to further reform. Had not the hon. Member for Birmingham (Mr. Bright) over and over again intimated that the time was coming when those to whom the franchise was to be extended under this Bill would be able to carry a real Reform Bill, which he did not consider this to be? What security had Parliament, then, that if the franchise was lowered a Bill of revolution, and not one of reform, would not at some future day be the result? He believed that there were no hon. Members on either side of the House who proposed to gain a triumph for their party by the discussion of this Bill. The question of reform had, in the minds of serious men, become far too important for party triumphs. It was said that it would be dangerous to postpone the Bill, because less quiet times might come. He was not insensible to the force of the argument; but he did not see how a Bill would enable them to meet more dangerous times which settled nothing and removed some of the safeguards which still existed. It was, no doubt, desirable to settle the question, but a little delay would be well repaid if they were able more deeply to probe the evils which existed, and to devise a more effectual cure. He would cordially support the enfranchisement of the *élite* of the working classes, but he thought there were less hazardous modes of accomplishing that object than that now proposed. Surely the fancy franchises might be turned to some account. Could not Parliament open the door to men of energy and who had a disposition to improve themselves? If a man desired to raise himself above his fellows by acquiring the exercise of the franchise, could not means be found which would enable him to obtain the object of his

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desire? He trusted there were many Members of the House better qualified and with greater experience than himself, who would turn their attention to the introduction of such clauses into this Bill in its future stages. They had been told that the Government were not averse to having the Bill improved by the House. [Lord John Russell: Hear, hear!] He had stated on a former occasion that the simplicity of the Bill testified to the desire of the Government to carry it, and their sincerity of purpose would be still further shown if they left it to independent Members to clothe the skeleton which they had presented. The hon. Member for Birmingham had said that the present Bill must be accepted, as the House would not pass a larger measure. He did not agree with that idea. He hoped the House would render the measure larger, more Conservative, more just and equitable to all classes of the people, and, as a consequence, more likely to secure a permanent and beneficial settlement of the great question before them.

Mr. DENMAN said, he cordially approved the Bill in the main, and thought the Government had discharged their duty to the country in bringing it forward. He had listened with pleasure to the eloquent piece of declamation with which the right hon. Baronet the Member for Herts had favoured the House, but he confessed that he had been unable to detect in it anything in the nature of an argument against this Bill. They were not considering the state of things in France or America, but whether the present Bill was an improvement of the representation. It did not follow that because universal suffrage and the Ballot had produced great evils in the United States a £6 franchise in England was to prove equally mischievous. Unless a £6 franchise could be shown to be bad in itself there was no validity in such an argument. The House had also been asked not to legislate on the subject of the representation when things were in so critical a position both at home and abroad. When were things to be less critical than they were at the present moment? Such an excuse could always be found for not passing a Reform Bill. Reference had been made to the apathy which was said to prevail on the subject. The people were not apathetic, but—to use the words of Sydney Smith when the same argument was used in 1831—they were waiting with patience for the completion of the Bill, "because they knew it was in the hands of men who did not mean to deceive them." The necessity for a further measure of reform was now admitted on all hands. Another observation of the same rev. gentleman was one well worthy of remark, that he did not expect the Bill of 1832 would settle the question for ever, but he did expect it would settle it for thirty or forty years, "which was an eternity in politics." That prophecy had proved not far from the mark. A great change had taken place since 1831, and the people were no longer the same people who were dealt with by the first Reform Bill. The number and circulation of newspapers had immensely increased of late years, proving that the people were better educated and possessed more political information. In 1831 the total number of stamps issued for newspapers was 35,198,160. In 1849, the last year for which he had a return, the number was 89,346,000. Again, the number of persons who between 1839 and 1857 signed the marriage registries with their marks instead of their names had diminished to the extent of 5 per cent in the case of males and 10 per cent in the case of females. In the Registrar-General's 20th Report, published in 1839, it was stated as follows:—"of the total number of persons married, of the men 72 per cent, and of the women 61 per cent, wrote their names; while 28 per cent of the men, and 39 per cent of the women, made their marks. This implies a great deficiency in the elementary education of the people; but indications of improvement appeared in 1847, and, as the persons married were educated some years ago, it is evident that the education of the people made a new start on the passing of the Reform Bill, and has since made considerable progress." Railways, although the argument had been sneered at, must, by the freedom of intercourse which they had produced, have tended greatly to enlighten and improve the moral status of the people. The argument applied with remarkable force in the case of the Post Office, when, in 1839, the number of letters conveyed was 82,000,000, and ten years later it had grown to 337,000,000, showing an increase amounting to 308 per cent. If they looked at the frugality and care which dictated the large deposits in savings banks, there was still less reason to entertain dread of the classes that were about to be enfranchised, and he hoped means would yet be found by which those who had turned their money to such good account would

be enabled to participate in the benefits of this Measure. In 1833 the number of depositors was 402,607, and the sums invested amounted to upwards of £12,000,000. In 1851 the depositors had increased to 966,000, and the investments to £25,000,000. By the latest accounts in 1858, there were 1,194,726 depositors of sums amounting in the aggregate to £31,533,736. If they were to judge merely by the contentment and general good behaviour of the people in the present day, it would be evident that they were no longer dealing with the same population as in 1833. They were reproached, it was true, with their tendency to combine in support of exorbitant demands; but had a strike of the same magnitude as that of a few months ago occurred in 1831-1832, would there not have been scenes of violence, dilapidation, and cruelty? His hon. Friend the Member for Maidstone had recently discussed with an advocate chosen by some workmen of his own borough, and in presence of a meeting of from 1,500 to 2,000 persons, points with reference to which his opinions had been unpalatable to the great bulk of his hearers. He (Mr. Denman) had been present on the occasion, and no discussion, even in that House, could possibly have been conducted with greater decorum, and he was informed that on all similar occasions, however unpalatable might be the truths which were uttered, and however calculated to give offence to persons who were not capable of appreciating a political argument, the working men behaved with equal propriety. And such were the men a portion of whom the Bill professed to enfranchise. In considering a Reform Bill, the object which it was sought to accomplish might be best defined by saying that it was an effort to secure a fair, adequate, and impartial representation of the best features of the English character. The present Bill divided itself into three heads, the first of which consisted in the redistribution of seats. He could not agree with the champion of reform as the hon. Member for Birmingham had been styled, that the pith and marrow of the Bill consisted in this redistribution according to the principle of population; for by the doctrine of mere numerical majorities in particular places they only obtained a representation of a certain state of feeling among a portion of the population, and they failed to include some of their most important and characteristic features. It was idle to talk of any attempt at reform as final; all that could be done was to remove anomalies from time to time. Perhaps the most formidable attack which had been made upon the present Measure had proceeded from the hon. Member for Salford (Mr. Massey), but his arguments resolved themselves very much into the claim for an additional Member for Salford. That constituency, however, bore a close resemblance to Manchester, which would obtain an additional Member under the provisions of this Bill. The towns were merely separated by a stream, and he thought it mattered very little whether that Member were given to the constituency at one side of the bridge or at the other. In any case it was only a question for Committee. The hon. Member for Leeds approved of the Bill on several grounds, but among the rest because Leeds was to have an additional Member. But whilst on this subject he could not refrain from referring to the remarks of the hon. and learned Member for Marylebone as to the borough of Tiverton. The hon. and learned Member had put forward Tiverton as a specimen of a rotten borough, and complained that Tiverton was to retain two Members, while Guildford, which had more electors, was to be cut off with one. Tiverton was a thriving place, continually increasing in population and prosperity. It was the staple of the lace manufacture of Devonshire, as it had been the staple of the woollen manufacture. On looking to the Returns it would be seen that there were forty-six boroughs with two Members which were inferior to Tiverton in the number of population, inhabited houses, rateable value, and payment of direct taxes—inferior, in fact, in all points except one, and that was the number of electors. The number of voters at Tiverton was 526, and when the Bill was carried the number would be increased by from 270 to 300 persons entitled (as he was assured by persons well qualified to judge, of whom he had made inquiry) to exercise the franchise from their ability to exercise it in an independent and satisfactory manner. It was, then, unfair to call it "a rotten borough." The House had also been informed that it was "a nursery, a cradle for statesmen," and a "harbour of refuge." As he did not call himself a statesman, he would say nothing about the "nursery for statesmen." As to its being "a harbour of refuge," he asked whether the borough which had given refuge to the Minister now at the head of Her Majesty's Government, when ostracised

by the University of Cambridge and by Hampshire, deserved to be spoken of with disrespect? It was not "rotten," and any one who attempted to canvass the borough would find the electors determined, liberal, and unflinchingly independent. The very fact that for twenty-four years, through good and evil report, it had stuck firm to the noble Viscount at the head of the Government, of itself was sufficient to show that it had a character of its own—a part of the general character of the English people. The arguments advanced on the other side with regard to the county franchise had surprised him very much, for he could not understand the horror which the idea of a man in a country district, who lived in a £10 house, having a vote seemed to excite on the other side. He could see no reason why a man living in a £10 house at Croydon was not just as fit to have a vote as a man of the same class who lived at Guildford—and fitness, according to the argument of the right hon. Gentleman the Member for Bucks, was the only test which ought to be applied. The arguments advanced against the reduction of the borough franchise were founded entirely on assumptions of the vaguest character. All sorts of "fancy" phrases of opprobrium were applied to the proposition, and these did duty for argument against it. It had been called "mediæval," "homogeneous," a "brick and mortar" franchise; and he had been reminded of the saying of Hume, that "brains and not bricks" ought to be represented. The right hon. Gentleman opposite complained that a large mass of persons identical in feelings and habits were to be thrust upon the present varied constituent body, but he denied altogether that the working class were as "homogeneous" as the right hon. Gentleman imagined. It was a mere assertion, entirely unwarranted by the experience of those who had been among them and knew what their feelings were on political topics. It was a mere assumption, utterly incapable of proof, to suppose that all occupiers of £6 houses were labouring men. He had made inquiries in his own borough, and he was informed by friends on whose authority he could depend that in point of fact there were as many and more persons of a totally different description—small shopkeepers and retired tradesmen—who would come in under a £6 qualification. Constituencies differed very much in their characteristics, and the Bill would be attended with different results in different localities. He would venture to predict that one effect of the Bill would be to return *bonâ fide* representatives of the working classes, themselves working men, for some of the large boroughs, instead of hon. Gentlemen of great power, eloquence, and high station, but all drawn from the same class as the rest of the House. He would say with the greatest confidence that it would be a happy day for England when that took place. One of the difficulties which they felt in the House of Commons when talking upon subjects closely affecting that class was, that the opinions of working men were filtered through Members who did not belong to them, and necessarily entertained different notions from those which prevailed among them. He believed that the number of working men who would be sent to Parliament would be very small, but the difficulty of which he had spoken would be removed, and there would be the further advantage that the members of that class would discover how erroneous were some of their opinions. They would find their level. Their fellows would be satisfied when their Members had been heard, and the evil power of the agitator would be greatly lessened by their being heard within the walls of the House of Commons. He concurred in the wish which had been expressed by the hon. and learned Member for Marylebone to see a lodger franchise. He hoped a fair franchise of that kind would be added, and he believed it would admit numbers in the metropolis who were quite equal, if not superior, to those who would now be admitted in other boroughs, where it was the fashion for every man to live in a separate house. He also believed that the lower orders would be more likely to look for their representatives among the aristocracy than the class which possessed the franchise now were. Constituencies were, generally speaking, very glad to have a Lord for their representative, if they could get him, and this feeling would be, he believed, increased rather than diminished. His hon. and learned Friend seemed, the other night, to be apprehensive that there would be a great addition to the constituency in the metropolitan boroughs, and said that as there were 3,796 houses in St. Pancras alone, the landlords of which paid the taxes under the Compounding Acts, that by a very simple alteration as many persons as houses could obtain votes. The hon. and learned Member entirely forgot that these 3,796 houses were let out in floors to, perhaps, four times as many people,

and that it did not follow there were as many £6 tenants as houses. The number of houses was no test of the number of voters. There would be no vote without a separate occupation at a £6 yearly rent, and these tenants did not occupy from year to year, but from week to week. The right hon. Baronet the Member for Hertfordshire seemed to have fallen into the same error when he said that a man who paid 2*s.* 4*d.* a week occupied a tenement worth £6 a year. It must be a clear annual value of £6, and weekly tenants were charged a higher sum than the value, because of the uncertainty of the holding. He apprehended that the statistics of the hon. and learned Member for Marylebone were entirely fallacious, and if they were to attend to such objections they might never legislate at all on the subject. Therefore they must take a fair average statement, such as was furnished by the Return on the table. By the present Bill every person would have a vote in a borough who occupied, as owner or tenant, a tenement of the clear yearly value of not less than £6. He must have an exclusive occupation, and not an occupation as servant or lodger, whether of the whole or part of a house, and his qualification would likewise depend on residence for a certain period and on the payment of rates. Were not these safeguards to prevent a flitting and uncertain population from having the franchise under the Bill? The question was whether the £10 qualification should be reduced to £6, and every one must be guided to some extent by his own inquiries and experience. Under the £6 qualification as under the £10 qualification, there would, no doubt, be many undesirable persons in possession of the franchise; and it was said that brothel keepers would be enfranchised. But he was not aware that that was more likely to be the case under the £6 than under the £10 qualification. If one person in 10,000 were vile and base enough to keep a brothel, were all the honest, hardworking, intelligent men living in £6 tenements therefore to be deprived of the franchise? There were certain objections taken to the Bill, not on account of what it did, but on account of what it did not do; and he for one should most gladly consider any well-conceived scheme to bring within the franchise respectable lodgers paying a certain amount of rent. He believed that that would be a Conservative measure, in a good sense of the word, and that it would be beneficial in admitting working men to the franchise who would not come under the £6 franchise. It was objected by some that the Bill was imperfect because it did not contain a provision for the introduction of vote by ballot. Now, he was not going to argue that question at any length; but he had no hesitation in stating that if he believed the men who would be admitted to the franchise by the measure would require the ballot he would not support the Motion then before the House. He was firmly convinced that, as a body, they did not want it, and that the great majority of them would be as independent as the Members of our existing constituency. He felt persuaded that the ballot would make voting secret in those cases in which it ought to be public, while it would leave voting public in those cases in which it was sought to render it secret. It would secure secrecy in those cases in which it was the interest of the community at large to know whether or not bribery and intimidation had been practised; but it would never prevent the agents of corruption from learning through wives, or children, or apprentices, or other persons, whether the parties they had bribed had voted according to their promises. That was one ground on which he opposed the ballot. He believed that the present Bill was a good one in its main provisions, and he could not, therefore, refuse to give to it his support. It was true that some of those who supported the Bill from his side of the House had dealt it very severe wounds. But that arose from the nature of the case. They were a Liberal party, and it was of the very nature of a Liberal party that there should be serious divisions among them as to the extent to which reform should be carried, while all were agreed on the necessity of some reform. There were many points on which he did not agree with the hon. Member for Birmingham—particularly on the question of the ballot; but on this Bill the hon. Member, he held, had acted a wise and patriotic part in not insisting on his own ulterior views. With regard to the speeches of hon. Gentlemen opposite, they would have been just as applicable to the Bill of 1832 as they were to the present measure. The Bill was certainly not absolutely complete or even perfect, but was a skeleton measure on which it would be easy in Committee to graft clauses which would make it more effective. In the course of the debate he had been alluded to as having signed a memorial in favour of an edu-

cational franchise. It was true that he had done so, in common with the present Lord Chancellor and other eminent men, but though he retained the opinion he then expressed, there might be valid reasons why no such franchise was allowed to form part of the present measure. It was difficult, for example, to find any one who would be entitled to vote under an educational franchise, who would not also be entitled to vote under a £6, or at all events, under a lodger franchise, so that they would be establishing a cumbrous system for the benefit of only a small number of voters; and besides this, it would give an additional vote, in many instances, to people who had one, possibly more, already. He thought the Government had done wisely in not introducing what were called the fancy franchises, though he thought the lodger franchise was desirable. There was one suggestion, however, to which he hoped the Government would listen. A Member was to be given to the University of London, the graduates of which were scattered over the country, and were very anxious that they should be allowed to vote by a system of voting papers. In the older Universities the existing system was found to work the greatest inconvenience. At Cambridge, for instance, there were about 230 resident and about 4,500 non-resident Members of the Senate, many of whom were poor curates and persons who could often spare neither the time nor the money to go the University on the occasion of an election. It used to be the practice to pay the travelling expenses of such persons, but he hoped that a clause would be inserted in the Bill enabling the graduates of the London as well as those of all the other Universities to record their votes by voting papers. With regard to the Bill generally, he should give it his hearty support, believing, that, as Earl Grey said of the measure of 1832, in the best sense of the word, it would be Conservative of the constitution.

Sir JOHN WALSH said, he might congratulate the hon. and learned Member who had just sat down on having made a good speech, and gallantly fought an up-hill battle in defence of the measure. But he thought he might still more congratulate the Government in having at length had the good fortune to find a supporter, and he trusted the noble Lord who had taken this Bill under his more special protection would, for the sake of human nature in general, and the character of public men in particular, not be wanting in gratitude. To the hon. and learned Gentleman the noble Lord owed it that when he next sat in Cabinet Council, if it should happen—as it might possibly happen—that some of his colleagues were lukewarm or reluctant, the noble Lord might venture to assume a firmer and loftier tone, and say with proud consciousness to his colleagues, "I have got a supporter." He (Sir J. Walsh) had attended pretty closely to these long debates, and up to this time his mind was in a state of doubt and perplexity as to which side of the House he ought to award the prize of merit for having levelled the heaviest blows and inflicted the greatest damage on this measure. For some time he thought the hon. and learned Member for West Glocestershire (Mr. Rolt) had inflicted the heaviest hit in that able speech which he terminated by pronouncing the emphatic "No" to the question of the second reading—a monosyllable that would be re-echoed by himself (Sir J. Walsh) at the proper time. But soon after the House was addressed by another hon. and learned Member, only second in authority among them to the Speaker, and to that Gentleman, the hon. Member for Salford (Mr. Massey), he was obliged—although he (Sir John Walsh) leaned with some degree of partiality to his own side of the House—toward the merit of having inflicted the greatest damage upon the Bill. So things went on with doubtful success till on Monday night they had the pleasure of hearing the hon. Member for Leominster (Mr. Hardy), whose powerful and able speech all must admit to be among the happiest bursts of modern Parliamentary eloquence. Still, with every wish to award the belt—to use the language of the day—to the hon. Member for Leominster, he was obliged to admit that it had been taken fairly out of his hon. Friend's grasp by the hon. and learned Member for Marylebone (Mr. James), who, although not dealing with so many points, contrived to give the Bill a mortal stab. He might take the opportunity of adverting to a circumstance connected with himself, which arose out of the hon. and learned Member's speech, who, mistaking a quotation from a little work which he (Sir J. Walsh) had given to the world for a statement of the right hon. Member for Droitwich, had referred to a conversation which had actually taken place, in which a constituent of the hon. and learned Gentleman, a Conservative, stated that he had withdrawn from political contests for ten

years because he had no chance of getting a Member sympathizing with his views. The hon. and learned Member for Marylebone said if there was a sulky elector in that borough there might also be another sulky elector in Droitwich, whom the right hon. Baronet did not represent. It was not likely that there was a sulky elector in Droitwich, considering the conciliatory manners and great abilities of the right hon. Gentleman who represented that borough. That was the point which he (Sir J. Walsh) was endeavouring to prove—the great injustice which these proposed alterations in constituencies inflicted by shutting out whole classes of opinions. In all boroughs there were some persons who were not represented; but in the large urban constituencies, especially in the new boroughs, the evil was much greater than in the old and smaller constituencies. In the case of Marylebone the Conservative elector had nowhere to look for consolation; if he went to Finsbury, or to the Tower Hamlets, or to Lambeth, he found his principles equally unrepresented, while the Liberal elector at Droitwich had only to drive a short distance to Bewdley, and there he would find a representative of his opinions. The objections which had been urged by the hon. and learned Member for Marylebone against the accuracy of the Returns which had been laid upon the table were directed against the very existence of the measure. The noble Lord the Secretary of State for Foreign Affairs based all his arguments upon them. He claimed for the Bill the character of being a sound, moderate, safe, and wholesome measure; but if the Returns were as inaccurate as had been stated, it possessed none of these characteristics, and all the noble Lord's arguments fell to the ground. If the hon. and learned Member's assertion that the Returns only represented half the number of voters that would be enfranchised were correct they had better wait till more excited times, when brickbats were flying about and bludgeons flourished, for they could not be in a worse position. No argument had made so strong an impression upon his own mind as that advanced by the right hon. Baronet the Member for Hertfordshire (Sir Bulwer Lytton), who had pointed out what was really the fact, that scarcely any houses could be found of a smaller rental than £6. A comfortable cottage for a labourer with a garden attached, even in the country, generally let for £6; and therefore it was fair to assume that in towns of the second order of importance only any houses which was more than a cabin or hovel would obtain £6 rent. If this were so, this was really a household suffrage Bill under another name. It had also been stated by the hon. and learned Member for Tiverton (Mr. Denman) that a house let off in flats or chambers might give votes to three or four persons. Under all the circumstances, he thought that a *primâ facie* case at least had been made out against the accuracy of the Returns; and it was possible that, if the noble Lord was once convinced that the measure would enfranchise 400,000 instead of 200,000 persons, he might see the necessity of withdrawing the Bill, which had been founded upon such erroneous *data*, and had met with so few supporters. In the absence of all proof of the correctness of the Returns, it was fraught with the greatest risk to the character of the House to go on with this Bill. They ought first to ascertain the grounds on which they were about to legislate. If through the investigation, which was going on in "another place" before a highly competent Committee, it should turn out that all the *data* on which the Government founded their measure were erroneous, the House would be placed in a false and humiliating position. Nobody could suspect the noble Lord of double-dealing, but one might suppose he was preparing a quiet sort of feather-bed to tumble his Bill upon. When the measure reached the House of Lords it might be found that it had been based on what might be characterized as false pretences. The hon. Member for Bristol, an old Whig, and one of the noble Lord's oldest supporters, on Monday night attacked the Bill with a degree of virulence with which few measures were assailed in that House, and bitterly complained of the painful position in which it would place him towards his constituents. There was, in fact, only one party anxious to pass the Bill, and it was led by the hon. Member for Birmingham. But that party avowedly accepted it only as an instalment. They were too straightforward to practice dissimulation or reserve on that point. They did not profess to rest upon it for one moment as a final measure, but wished to make use of it for the purpose of obtaining something else. It was the mere prelude to the changes that were to follow. Well, what were the ulterior objects contemplated by those hon. Gentlemen? Why, the redistribution of seats, the ballot, the abolition

of the rate-paying clauses, and all those measures which, coupled with this great extension of the franchise, would have the effect of changing the character of the House and converting it into a purely democratic assembly. Those Gentlemen, indeed, said it ought to be a democratic assembly — that being the people's House it ought to represent the people, meaning by that term the numerical masses. Now, that might be quite consistent in those hon. Gentlemen; but how could those who, if any of these subversive measures were proposed, would unhesitatingly vote against them, reconcile it to their consciences to support a Bill avowedly viewed as the means of effecting such unconstitutional objects? The hon. and learned Gentleman who had made so elaborate and excellent a defence of Tiverton did not seem to see that if this Bill were carried Tiverton must go, if not this year, the next. Surely the hon. and learned Member's constituents had a right to claim from him an effort to secure them a much more prolonged political existence. In the very nature of things this measure, if passed, must bring on further changes in the constitution. He was one of those—now a rather select band—who had the advantage or disadvantage of a seat in the Parliament which carried the Reform Bill of 1832, and, as hon. Gentlemen might be aware, he was one of the most strenuous opponents of that measure. Not only so, but he had the honour, at the request of the late Sir Robert Peel, of moving its rejection; and that was one of the few acts of his public life of which he was particularly proud. The difference in the tone and temper of the debates then and now was very remarkable. The Conservatives always rested their objection to the first Reform Bill on the ground that it could never be a final measure. Mr. Croker, Sir Robert Peel, and all who took an active part against that great measure, maintained that so great a transfer of power as it involved would inevitably lead to further attacks on the Constitution, until it entirely assumed a democratic shape. They did not deny that there were defects, blots, and anomalies in the representation. They did not defend Gatton and Old Sarum in the abstract, but said that the system was so nice, delicate, and complicated that if they began to alter and were not very moderate and careful they would destroy the balance of the Constitution and render still greater encroachments certain. That line of argument was controverted by all the advocates of the Reform Act, and every endeavour was made to overturn it. The noble Lord the Member for London and most of his supporters contended that the comprehensive nature of their measure was the very guarantee for its permanence, and said they had given it a sweeping character precisely in order that it might be final. The greatest pains were taken to create the same impression throughout the country. The cry was then "The Bill, the whole Bill, and nothing but the Bill." Those Gentlemen who at the time represented extreme opinions—the late Mr. Hume and the late Mr. O'Connell, and the Gentlemen associated with them—entirely suppressed all movements of a kind which could at all interfere with the passing of the Bill. There was then no question of ballot or of rate-paying clauses, nothing that could tend to interrupt the unanimity of Reformers. It was all "finality" then on that (the Ministerial) side of the House. But now there was no pretence to "finality." All the predictions which came from the Conservative side in 1832 had been confirmed by the progress of time; and he said now—as he said of the Bill of 1832—if this measure were carried the House would not be able to stop there. Hon. Members who sat below the gangway, and who held the fate of the Government in their hands dictated their own terms, and expected to do so still more in the next Parliament, said that the Bill could not and should not be final; that it was a miserable and incomplete measure; and a measure which put Gentlemen like the hon. Member for Bristol in a painful position of defection. That hon. Member when appealed to would not even give place to the Bill by postponing for a night his annual Motion on the Ballot, declaring that his measure was a much more important one than that of the Government. He had no doubt that the hon. Member for Bristol would bring on his Motion next year, and if the Bill now before the House passed he firmly believed that the hon. Gentleman would carry it. The Bill of 1832 was brought forward by a powerful party as a final settlement, and as such it was at that time accepted by the country; but there was not a shadow of probability that the present measure would be final; it would not even occasion a pause in the agitation on the subject. If it passed into a law the hon. Member for Birmingham in September next would be starring it again

in the provinces, addressing crowded and excited audiences from platforms, pointing triumphantly to the success which had been achieved in Parliament during the Session, and to the equanimity with which he had borne all the rhetorical blows of every hon. Member who had had a "shy" at him. He doubted not that the hon. Member would be perfectly successful, and would again present himself to the House with all the prestige which success in dealing with enthusiastic and exciting masses always gave a man. Of all the topics adverted to during the debate there was none so remarkable as the fact that a Bill so universally repudiated was about to pass the second reading without a division. It might be thought the most natural and obvious proceeding that hon. Members on both sides, who had so unanimously opposed the whole principle of the Bill, should testify by their votes to the sincerity of the opinions maintained in their speeches. But the fact was, that hon. Gentlemen on both sides had so entangled themselves with hustings' declarations and professions that now they did not feel themselves at liberty to give expression to their own impressions and convictions. The country was now, in truth, considerably in advance of the Government on the question of Parliamentary Reform; public opinion was ebbing away from it, and leaving Her Majesty's Ministers stranded. That public opinion was being exhibited in the defection of almost all their tried supporters, and in articles in all the most liberal public journals and periodicals. It was no longer a popular question. It might be a popular question on a Birmingham platform, but the sound public feeling of the community at large was not represented there. So far from the Bill being popular in the country, he believed if it was rejected to-morrow that the feeling throughout England would be one of relief and satisfaction. He took leave of it with considerable trust and confidence that it was not destined to pass into a law, and believing it was the last expiring effort of a mischievous agitation to which the natural good sense of the country was opposed, he trusted that in the next Session they would have to congratulate themselves on a good deliverance.

LORD JOHN RUSSELL: Sir, it is agreeable to be reminded by the hon. Baronet of a time when we were younger than we now are. The prophecies of ruin to the country in which he has indulged, and the attempts to show that wild democracy is about to overspread the land, are the exact counterpart of those which I heard made thirty years ago. The hon. Baronet (Sir John Walsh) refers with satisfaction to the prophecies which he then uttered. I am glad to find that he is not in that position described by the poet, and that he beholds the flourishing state of the country without any of those feelings, which are supposed to be inspired by envy. But that the hon. Gentleman should have referred with satisfaction to the efforts he made to defeat the Bill of 1832, I own surprises me, for it is notorious that since the passing of that Bill the most useful measures of legislation have from time to time been adopted. Our municipal corporations have been subjected to legitimate popular control; the tithe question, which led to continual bickerings between the clergy and their congregations, has been satisfactorily settled and given place to harmony; we have utterly abolished slavery in the West Indies; we have completely altered the tenure of our Indian Empire; we have by the adoption of free-trade measures, which I am persuaded an unreformed Parliament would never have passed, increased the wealth of the country. I will not refer to statistical returns to show how unparalleled that increase has been, for they have been in the hands of everybody lately. But I say, whether with regard to manufactures, whether with regard to commerce, or whether with regard to shipping, there is no parallel to the present condition of the industry of the country; and while this has been going on, so far from being in a state most alarming to the governors of this country, which prevailed before the Reform Bill, there has been a change for the better, which in itself is a remarkable circumstance. In 1817 the Government of the day proposed the suspension of the Habeas Corpus Act in consequence of the prevalence of dangerous conspiracies. In 1819 they proposed six different measures of severe coercion to suppress the people, who were then believed to be aiming at the destruction of the Crown and the established institutions of the country. In 1830, not long before the Reform Bill was introduced, any one who travelled through the country at night might have seen fires blazing in the stackyards and houses of the farmers, and the peasantry were in such a state of discontent and insubordination that the Government were kept in a state of perpetual apprehension. And what has

been the case since that time, especially during the last few years? Have there been disloyalty and conspiracy, or general discontent with the laws? On the contrary, the feeling—the general feeling—of the country has been that of loyalty and contentment; and the people, whether it be the artisans of our manufacturing cities, or whether it be the farmers and their labourers, have been enjoying a degree of comfort and prosperity not known to them before the passing of the Reform Bill. Therefore it was with surprise that I heard the hon. Baronet who spoke last pluming himself on his prophecies relative to the first Reform Bill. It seems that the hon. Baronet and others believed, at the time that Bill passed, that the settlement it made could not be final. But has that prophecy been fulfilled? Does the hon. Gentleman mean to say that we are even now, twenty-eight years after the passing of the Bill, again in the midst of agitation? for if we are not again in the midst of agitation, what becomes of the prophecy? And if we are again in the midst of agitation, what becomes of the statement about the total apathy of the country? The prophecy was wholly misplaced—it was a mistake; it has not been fulfilled, and is not likely to be fulfilled. Sir, in listening to this debate, while I have heard many expressions of alarm and much eloquent declamation, especially to-night, from the right hon. Baronet who spoke early in the evening; it has appeared to me very singular that the hon. Gentlemen who have spoken with so much dislike of this Bill, and with so much alarm, have never taken the pains to reconcile the provisions of the Bill with their alarm, or to show that their arguments followed naturally from the contents of the Bill. They seemed to think it sufficient to say that it is a Bill which admits the poorest classes of the community to the franchise, and, not only so, but that it gives into their hands the whole representation of the country. They have a perfect right to say so; but what I complain of is that not one of them attempted to prove it. We have had eloquent declarations to the effect that the poorest classes of the community will entirely overbear the other classes; that the institutions of the country will in some degree be impaired; that our finances will be injured, and that a great deal of mischief will be done; but what has never been attempted from the beginning of the debate till now is to show that we have really done what is alleged against us—that we have either, in the first place proposed to put the power of voting into the hands of the poorest class of the community; or, secondly, that we have given the entire representation into their hands. Now, it is worth while to consider a little, which I shall endeavour to do, some of the facts connected with this point. The hon. Baronet (Sir John Walsh) seems to be persuaded of the accuracy of the statistics produced by the hon. and learned Member for Marylebone (Mr. Edwin James), and I cannot say I am surprised at it, for probably he has not examined the grounds on which they rest; but to any one who has looked into the returns made by the Poor Law officers and to the facts must see that the blunders made by the hon. and learned Gentleman were perfectly ludicrous. The hon. and learned Gentleman says that in the Tower Hamlets there are 67,000 persons who live in houses above the value of £10, and that there are only 28,000 who have the right of voting; and that in Liverpool there are 39,000 who live in houses above £10, and that only 18,000 have the right of voting. But if you pass this Bill you would suppose, from what the hon. and learned Gentleman says, that every one of these persons—the 39,000 in the Tower Hamlets and the 29,000 in Liverpool—will possess the franchise. Now, in order to have it happen that all these persons should immediately become voters, there must be some alteration in the state of the law which this Bill does not make. The law of registration that now exists is continued in the present Bill, the only exception, as I am reminded, being in the case of the assessed taxes. In all other respects the state of the law remains the same. There is a deduction of 50 per cent to be made for the persons living in £10 houses, and who do not enjoy the right of voting, and the reason is, that there are various restrictions by which the £10 franchise is bound and confined. If any Gentleman will take the pains to go through the returns from the largest boroughs, including the metropolitan boroughs, he will find what these restrictions are. In the first place, there are many men who at the time of registration—the end of July—have not been in occupation of their houses for a clear twelvemonth, and who therefore cannot be put on the register. Such a man may remain in the house for a year, but in the meantime if any election takes place he will have no right to vote. There are many

others who have not paid their rates—some from negligence, many from poverty, and immediately the registration takes place their names are struck off the roll. There is another class of a very numerous description whose rates are compounded for by the landlord. The landlord compounds because he then pays a diminished rate, but the consequence is that, the names of the occupiers not being in the rate-book, they are not included in the register. But it may be said, though it would be a most extraordinary thing to say, that though not above fifty in a hundred £10 householders have the right to vote, yet between £6 and £10 a much larger number will be placed on the roll. The very contrary, however will be the case. There will be fewer, for those living in houses between £6 and £10 are a poorer class of people. Many of them will not pay their rates, and they are much more likely to go from one town to another, and so be often changing their residences. All these causes of diminution were left out by the hon. and learned Member for Marylebone. He does not seem to have taken them at all into his consideration. It was our endeavour at the time we framed the Reform Act to give the right of voting to householders who might be said to represent the ancient right of voting. I heard the hon. and learned Member for Gloucestershire (Mr. Rolt)—to whom the hon. Baronet gave the palm of having struck the earliest blow at the Bill—I heard that hon. and learned Gentleman say that we were endeavouring still more to separate representation from property. There was once in this House a very learned Gentleman, as learned a person probably as the hon. and learned Gentleman, though that is saying a great deal—that Gentleman who was at the head of a famous Committee in this House —I mean Serjeant Glanville; and the report of that Committee was that wherever there was not a right of voting settled by law or charter of the place the common law right of England entitled every person paying scot-and-lot to vote at the election of Members of Parliament. Did Serjeant Glanville think that he was separating representation from property? Did he, or those who acted with him, believe that they were injuring property or its representation by what they so did? On the contrary, these men were the founders of the liberties of England. These were men who thoroughly understood our institutions, and they said that scot-and-lot was the common law right of this country. But not only was this the plan of Serjeant Glanville two centuries ago, but at the end of the last century Earl Grey, in proposing a Reform Bill, proposed this plan, that 400 Members should be elected in different electoral divisions of the country by all householders paying scot-and-lot. Thus after so long a time the principle of householders paying scot-and-lot was acknowledged by the authority of Lord Grey. When we were engaged in framing the Reform Bill it seemed to us that there had been that change in the manners and habits of the country that it could not be said that every man paying scot-and-lot was entitled to the franchise—that great numbers of them were not substantial householders as householders were two centuries ago—that many of them were in a state of poverty, and more especially that the payment of scot-and-lot, which was the payment of the poor rate, taking place at the time of the election gave room to a great deal of abuse, the candidates generally paying the rates at that time. We therefore proposed that this household suffrage should be accompanied as of old by the obligation to pay poor rates, but that that obligation to pay poor rates should be ascertained at the time of the registration fixed in July, and that no person should be entitled to the franchise unless he occupied a house of the value of £10. Well, we some time afterwards—at least, I, as a Member of the Government—considered that there were many reasons why we should reduce the money-value of the franchise. In the first place, I think the Committee who framed the Reform Bill were very prudent and cautious not to place the franchise too low. We considered, as some hon. Gentlemen do now, that if we placed it too high it might not be very difficult, or at least not impossible, to reduce it; but if we fixed it too low that would be an error which could not easily be redressed. We therefore placed the franchise high in fixing £10 as the qualification—perhaps it was unreasonably high; but, in the next place, there had been a very considerable change in the condition of the householders of this country. By various measures that had been introduced they were placed in a state of greater comfort, education had made great progress, the taxes which immediately fell on them had been very much reduced. There were, therefore, persons with houses much under £10 who were entitled to the franchise by their property and intelligence. Now, Sir, I have heard

much said—indeed the greater part of this debate on the other side of the House has been conducted on the principle—that no extension of the franchise should be allowed to reach the working classes. [*Cries of* "No."] I think the representation generally has been that the working classes are entitled to all our respect, but they are very poor—the working classes are persons whose good qualities we exceedingly esteem, but they are very ignorant—the working classes deserve all our care and our affection, but they are very corrupt; and, being poor, ignorant, and corrupt, they are not entitled to the franchise. ["No, no."] Hon. Gentleman opposite say "No," but I really have heard one speech after another to this effect, and that speech which on this point most excited my surprise was that of the right hon. Gentleman the Member for Buckinghamshire. The speech of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside) and many speeches since, have all gone to that point. They have none of them said that the working classes, having a very great share of the £10 franchise, ought to be more largely admitted to the right of voting—they did not propose an £8 or £7 franchise; but they objected to this particular franchise which does introduce a great number of the working classes. Therefore I say—and I can come to no other conclusion, and that is a very serious conclusion to come to—that a spirit of distrust of the working classes as holding any portion of political power is apparent in the speeches of hon. Gentleman opposite. ["No, no."] Hon. Gentlemen again say "No;" but what is their proposal for the admission of the working classes? They allowed there might be some cities of refuge in which the working classes might be allowed to vote for Members. The hon. Member for Edinburgh (Mr. Black) said that something of that kind might be allowed, although he did not tell us that Edinburgh was one of those places. It really behoves hon. Gentlemen to reconsider their speeches if this were not their meaning, but I say the whole impression I have derived from their speeches is, that you ought not to trust the franchise to the working classes, and that they ought not to be generally admitted to it. Well, let us look at what the right hon. Gentleman the Member for Bucks (Mr. Disraeli) said upon this question last year. After saying that the Bill they had introduced would admit about 500,000 persons to the franchise, speaking on the 7th of June, 1859, on the subject of another Reform Bill which might have been introduced by Her Majesty's then Government, the right hon. Gentleman then said—

"The question of the borough franchise, however, must be dealt with, and it must be dealt with, too, with reference to the introduction of the working classes. We admit that that has been the opinion of Parliament, and that it has been the opinion of the country as shown by the hon. Gentlemen who have been returned to this House. We cannot be blind to that result. We do not wish to be blind to it. We have no prejudice against the proposition. All that we want is to assure ourselves that any measure that we bring forward is one required by the public necessities, and will be sanctioned by public approbation and support, and therefore we are perfectly prepared to deal with that question of the borough franchise and the introduction of the working classes by lowering the franchise in boroughs, and by acting in that direction with sincerity; because, as I ventured to observe in the debate upon our measure, if you intend to admit the working classes to the franchise by lowering the suffrage in boroughs, you must not keep the promise to the ear and break it to the hope."—3 *Hansard*, cliv., p. 139.

I must say that the right hon. Gentleman went on to argue most fairly on the subject. He said you might contrive a franchise so that it would appear to allow a great admission of the working classes, but, in fact, rather restrict than extend the qualification. He said, if you deal with the question, deal with it fairly, and provide for the admission of the working classes. But, although that was his opinion last year—although, speaking with the confidence of the Earl of Derby and the whole Government he represented, as well as the great party of which he was the leader in this House, he laid it down as a substantial proposition that in any Reform Bill to be introduced you must have a reduction of the borough franchise, and by that reduction of the borough franchise he meant the admission of the working classes. Then I ask how is this to be done? Let hon. Gentlemen opposite, if they do not approve this £6 franchise, frame some other proposition by which the working classes would otherwise come in. Some gentlemen, indeed, have said what I remember I suggested in 1837, that the proof of frugality, by a considerable deposit in the savings bank, might form a claim to the franchise; but, although that would admit some, the numbers admitted would be so small it could not be said to be a substantial admission of the working classes to the franchise. What other propositions have they made, and in what other way do

they mean to admit the working classes? Depend on it, much as hon. Gentlemen have talked of the danger of passing this Bill, suppose their anticipations were realized and no such Bill as this were passed—if no other measure were introduced by which the working classes were to be admitted, whatever might be the feeling now, all that expectation which has endured for the last five or six years being then disappointed, the working classes considering themselves as the mark of stigma, as the objects of the distrust of this House, would be in a very different temper from that in which they have been for the last few years. Is there no danger in that. You will perhaps say, thent here was no use in introducing a Bill to lower the £10 franchise, and alter the Reform Act. But successive Governments have proposed measures on this subject. The Government of which I had the honour to be the head, the Government of the Earl of Aberdeen, the Government of my noble Friend near me, and, lastly, the Government of the Earl of Derby, although they did not propose to alter the £10 franchise, have all introduced Bills on this subject of Reform, and I own it is my opinion that, if you have a Reform Bill without a reduction of the franchise, that will be more perilous than passing this Bill. Now, so far as the character of the working classes is concerned, it needs no eulogium from me, and I am of opinion that every hon. Gentleman in this House, although he may not wish that they should be the recipients of political power, will admit that so far as their conduct and intelligence are concerned they are deserving of the highest praise. My hon. Friend the Member for Edinburgh seems, it is true, to have a great distrust of them, and contends that they are not good judges of difficult political questions. But let me remind my hon. Friend that one of the greatest political philosophers who ever wrote has said that it is remarkable that while persons in general are not good judges of political questions in the abstract, they are able to form a very correct opinion with regard to the men in whom it is desirable that their confidence should be placed. Suppose, for instance, that Mr. Huskisson had presented himself to the freemen of Liverpool, and had delivered a lecture on the bullion question, it is doubtful, although he was right in the views which he held on the subject, whether he would be able to get his audience to concur with him. The probability is, indeed, that they would have regarded his views as unsound, and that it was expedient that paper money should be abundantly issued, as wages would rise in consequence; but when the question was put to them whether it was likely Mr. Huskisson would make a good representative for Liverpool they had no difficulty in replying in the affirmative, being aware of his eminent qualities, his persevering industry, and the general estimation in which he was held. I admit, therefore, that if you seek to make people in general, be they £6 or £10, or even £20 householders, judges of difficult questions, either of political economy or constitutional right, it is not improbable you may find that they will come to a wrong decision on those points; but if the question submitted to them be to whom they should intrust the privilege of being their representative, although they may sometimes make a bad choice, yet I believe they will, as a general rule, be found to make a good selection. I cannot, I may add, agree with my hon. Friend the Member for Edinburgh in thinking the constituency of that city the most enlightened in the kingdom, because I am of opinion that there are few counties or boroughs in the country which would have rejected such a man as Lord Macaulay; but, be that as it may, there is another point connected with the working classes which is well worthy of attention. It is a common error to suppose that they are always in a state of discontent, either with the institutions of the country or with the circumstances by which they are surrounded, and that they therefore seek to pull down to their own level those who are above them in station and wealth. For my own part, I believe that the poem of Burns called "The Twa Dogs" contains more philosophy on the subject than most of the speeches to which I have listened. After describing the poverty of the poor labourer in Scotland, he says,—

> "But how it comes I never ken't it,
> They're maistly wonderful contented."

Indeed I cannot help thinking that the working classes take things more as they come than either the upper or middle classes, and that they are, whether from a spirit of philosophy, or rather, as I believe, from a true Christian feeling, as a general rule more satisfied with their lot in life. It is not therefore, I maintain, because they are discontented that we ought to refuse them the privilege of exercising the franchise. I now come to another part of the subject—I allude to the allegations which have been over and over again made with-

out proof, that we are about to intrust to this class the whole representation of the country. In answer to that charge let me take the representation as proposed by the present Bill. It must be borne in mind that there are a great number of boroughs and also a great number of counties which send Members to this House, which are not at all likely to be swamped by that flood of £6 householders of which some hon. Members seem to be so apprehensive. On rererring to the Returns, I find that boroughs, having a population of 20,000 and upwards, return 137 Members; that those having from 20,000 to 8,000 return 109, and that boroughs having less than 8,000, return not less than 87. Taking also the smaller boroughs having a population of less than 1,000, I find that no fewer than 111 return 172 Members, which added, to the 159 Members which are returned for counties constitute a majority in the list of returns. No one, I may remark, can fairly contend that with regard to those smaller boroughs any very great change will be accomplished, or that property, so far as they are concerned, will be less adequately represented than at present; for there can be no doubt that in them property rather than population is the prevailing influence, whether that influence be exercised through the medium of the landlord or the neighbouring squires. I of course quite concur with those who think that property and intelligence, as well as population, should be represented; but if any one were to attempt to frame a scheme by which the three should each be duly represented, I believe he must fail in the endeavour. The right hon. Gentleman (Sir E. B. Lytton) who spoke with so much ability and eloquence this evening, referred to the proposition of Mr. Mills, to the effect that a man of a certain degree of intelligence should have five votes and that another of greater intelligence should have seven or eight votes, as the case might be, and the right hon. Gentleman very properly set aside that plan as one which it was not desirable to adopt in this country. In the sentiments of the right hon. Gentleman on the subject I entirely concur. Mr. Fox said, and I believe with truth, that if the wisest man who ever lived were to set about framing a constitution he could not invent one which would be even of a tolerable character. Concurring in that view, I, for one, while I am a reformer, and while I am desirous to improve our present political system so as to render it suited to the changing circumstances of the times, am prepared to stand by the old frame work of this constitution of the country. Hon. Gentlemen have been talking for so many nights of a new constitution that one might really think that this is a Bill to introduce a new constitution to that House. The Reform Bill of 1832 did so to a certain degree, because at one blow it struck off 157 seats. This Bill takes away twenty-five seats, and of these fifteen are taken from small county towns and given to counties. This is a change that makes very little alteration in the character of the representation. The general frame work of the representation will remain very much what it has been. Then we are asked, "But will you be able to stand there, and will not other changes be introduced?" For my part I think that the question leads to two very difficult problems, and I cannot say which is the more difficult. One is—Should we attempt to induce this House again to disfranchise a very large number of boroughs? Any one who tries that task would find, as we found in 1854, that those boroughs, being not merely nomination boroughs and having a certain number of electors, and often very independent electors, there would be such a resistance on the part of the representatives of those boroughs as, joined to the objections of the Conservative party, would create an opposition to such a proposition that would be irresistible. Then comes another question, on which the hon. Member for Birmingham and I very much differ. That question is, supposing you obtain the disfranchisement of sixty or seventy seats, as proposed in 1854, how are they to be distributed? We proposed, in 1854, that a great number—I think forty-seven or forty-eight—should be given to counties. We likewise proposed, both with regard to counties and cities, that where a third Member was given the minority should have the power of electing him. I am not going to argue that question; but that was a representation perfectly safe, and there was, at all events, in that proposition no excess in the line of democracy. But that would have caused a great struggle, and if any one should now propose to give those seats to the counties all those hon. Members who represent the great industrial centres of the north of England would propose that the greater proportion of those seats should be given to the towns. I do not wonder that they should make that proposal; but it would cause a very great struggle, and would be very difficult to carry. For these

reasons we have not attempted any such changes in the present Bill. But we do not disguise from ouselves that if this Bill should pass, there would remain, with regard to the greater proportion of the boroughs, and the whole of the counties, very much the representation that at present exists. With regard to the counties, we have not done in respect of the franchise much more than the House has already decided. The House of Commons has decided in favour of extending the right of voting for counties to houses of the yearly value of £10. I do not say whether that is exactly the best limit, but we found it already decided by the House, and no one will say that occupiers of £10 will form any very dangerous element in the representation of the country. I think, Sir, I have now shown that so far from giving the whole representation of the country into the hands of the poorer classes, the class of householders we propose to enfranchise are very much above the poorest class, inhabiting houses for which they pay rents and rates, and in which they have had certain length of residence. A proportion of these are not working men, and a great proportion of the inhabitant householders will be excluded from this Bill. With regard to Edinburgh, I have seen returns, from which it appears that the present constituency is about 8,000, and that by a Bill of this kind the number will be raised to 12,000. With regard to many places the increase will not be so large. In Edinburgh there will remain about 12,000 houses for which no votes will be given. I cannot conceive that this will be so dangerous an extension of the franchise as hon. Gentlemen on both sides think. If it is found that we were right in choosing that franchise for boroughs, let the House affirm it. If, on the contrary, hon. Members do not agree with us, let some variation be proposed. But I own I cannot look with any satisfaction upon the prospect of this House declining to legislate on this subject altogether. In Committee any new clauses can be proposed, and that question of the lodger franchise may be very fairly taken. But do not be induced now by the absence of agitation to suppose that you can take this question up at any time and settle it when you please. I have seen an exemplification of a similar faith on the part of this House, but in which they were cruelly disappointed. Every one thought that the Catholic question could be settled at any time. It was thought very well that there should be a majority of five one year in favour of the Catholics, and the next year a majority of four against their claims. But there came a time when the country was close on the borders of civil war, and when yielding the Catholic claims was in fact a capitulation to a superior force, and many of those benefits which Mr. Pitt desired to derive from the settlement of this question were entirely lost to the country in consequence of the delay. Well, it was thought that the Corn Laws could be settled in the same way. It was thought, too, that the first Reform Bill could be settled at any time, and the consequence was it was settled in the midst of agitation. Who will assure you that events not now foreseen and that cannot be foreseen, may not happen to make this a question most difficult to settle? I remember that at the time of the first Reform Bill there was some feeling—no great deal—in favour of reform, and that when I proposed that Manchester, Birmingham, and Leeds should have Members, that Motion was rejected by a considerable majority. This House and the Government of that day thought that they could settle any such claims at any time, and that Manchester, Birmingham, and Leeds might continue without Members for twenty or thirty years more. But there was a revolution in France that contributed, not to cause the opinion in favour of Parliamentary Reform, but the agitation on the subject, and which fed the flame of that agitation until it got to a dangerous height. If you put this Bill off to next year or the year after, for the sake of the census, who will tell us what the circumstances may be under which we shall have to legislate upon this question? ["Oh, oh!"] The hon. Member treats this suggestion with great ridicule and contempt, but I remember saying at a quiet time, in 1825—the metaphor was not a very good one, but it expressed my feeling—that "If Parliamentary Reform did not flow on with the majesty of the river it would come on you with the madness of the torrent." Then came the riots at Bristol, and the Castle at Nottingham was fired, and you began to think that the time had really come to settle this question. History will tell you, and may you reflect on that history, that it would have been better if, ten years before or five years before these events, the question of Reform had been settled. It would have been better if prudent measures had been taken, if the franchise had been gradually

enlarged, and if that measure of Reform had been carried by general consent, instead of being an object of such hostility and violent agitation. In the belief that we can now legislate safely on this question Her Majesty's Government has introduced this Reform Bill. The right hon. Gentleman the Member for Buckinghamshire told, as I have already shown, you last year, that it was right to admit the working classes to the franchise; that you should not attempt to hold them in a state of dependence; that, with regard to them, you should not "keep the word of promise to the ear, and break it to the hope."

MR. DISRAELI: You have not read the extract correctly.

LORD JOHN RUSSELL: I have read every word of the passage.

MR. DISRAELI: No; read what follows "hope."

LORD JOHN RUSSELL: "The lowering of the suffrage must be done in a manner which satisfactorily and completely effects your object, and is at the same time consistent with maintaining the institutions of the country." Well, I say that we, in proposing to lower the suffrage, believe that we shall satisfactorily and completely effect our object; that is our opinion; the right hon. Gentleman has another way of maintaining the institutions of the country; but I think we are as well entitled to be thought anxious to maintain those institutions as the Earl of Derby or the right hon. Gentleman. We proposed the Reform Bill in 1831, and Earl Grey advised His Majesty to declare in the Speech from the Throne that a measure of Reform was proposed with regard to the House of Commons that would respect and preserve every portion of the Constitution. Was not that promise kept? I have shown how well it was kept. I have shown that the institutions of the country are stronger now than they were in 1831; does the right hon. Gentleman deny that? Then, if we have kept that promise and have maintained those institutions, examine this Bill; examine it as much as you please, and if you find anything dangerous in it, alter that part of the measure. But my belief is that the Bill will tend, like the previous Reform Bill has tended, to preserve our institutions; and this I think above all, that if you find there is a numerous class that has advanced in intelligence, wellbeing, and comfort, and is fitted to possess the electoral franchise, it is an injury, not so much to them as to yourselves and the institutions of the country, if you exclude them from it. I remember well the homely and forcible expression of the right hon. Member for Oxfordshire (Mr. Henley) last year; if you draw a "hard line," and will have a £10 franchise and nothing below it, I think the "ugly rush" he spoke of may very possibly come to pass. I hope, therefore, that you will, by enlarging the franchise, strengthen the institutions of the country, and, by admitting a larger class to the exercise of the suffrage, give those institutions an increased safety.

MR. BENTINCK moved the adjournment of the debate.

Debate *further adjourned* till *Monday* next.

PAPER DUTY REPEAL BILL.

THIRD READING. ADJOURNED DEBATE.

Order for Third Reading read.

MR. DISRAELI said, the Bill would probably lead to a prolonged discussion, and he therefore hoped that the Chancellor of the Exchequer would not press the Motion.

THE CHANCELLOR OF THE EXCHEQUER said, if there was to be a discussion at the present stage of the Bill, he could not think of pressing the third reading. There was another Bill—Sir John Barnard's Act Repeal Bill—on which there would probably be a discussion, and he would consent to that also being postponed.

Debate *further adjourned* till *To-morrow*.

CUSTOMS BILL—COMMITTEE.

Order for Committee read.

House in Committee.

MR. RIDLEY expressed his belief that the reduction of the stamp duty on bills of lading and charter-parties would lead to an increase of revenue.

THE CHANCELLOR OF THE EXCHEQUER said, that under the operation of this Bill they would be able to ascertain fully the working of the present law as to the sixpenny stamp on bills of lading, and, if there was any ground for the prospect held out by the hon. Member, they would be very happy to carry out his suggestion.

Remaining Clauses *agreed to*.

House resumed. Bill *reported* as amended.

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, April 27, 1860.

MINUTES.] PUBLIC BILLS. — 2ª Trustees, Mortgagees, &c.
3ª Oxford University; Inclosure.

CHURCH PROPERTY—PETITIONS.

VISCOUNT DUNGANNON *presented* a Petition, numerously signed, from Darlington, in the county of Durham, complaining of the large amount of revenues abstracted from the Diocese of Durham, while little or no regard has been paid to ite spiritual wants arising from the vast increase of its population; and praying that measures may be taken to oblige the Ecclesiastical Commissioners to admit local claims on Church Property. These petitions related to a matter of very considerable importance, and he was glad that his noble Friend (Lord Ravensworth) was present, as he had taken a very great interest in the case, and had a thorough knowledge of the condition of the Diocese, beyond any he (Viscount Dungannon) could boast of possessing. The petitioners expressed themselves most grateful to the Committee of their Lordships' House which inquired last Session into the spiritual destitution of the country, for their recommendation that where any Church property had been considerably augmented in value by the population which dwelt upon it, the religious instruction of that population should be considered before the application and disposition of the surplus revenue to the general ecclesiastical purposes of the country. The revenues of the See of Durham had been far greater than those of any other diocese in the United Kingdom, but large sums were withdrawn from it by the Ecclesiastical Commissioners, although many of its own parishes were very inadequately provided for. Places like North and South Shields, Darlington, Stockton-on-Tees, and various parishes of the City of Durham itself, were very poorly endowed; and to many of the incumbencies no parsonage-houses were attached. In consequence of the mining operations carried on in that diocese, and the harbours that had been erected on the coast, large populations had sprung up where a few years ago a single house was not to be seen. Although in many of those districts churches had been built, they were so miserably endowed, that it was scarcely possible for the clergy appointed to them efficiently to discharge their duties. He had not heard that any living in the See of Durham requiring augmentation had really been augmented to any appreciable extent, nor, indeed, that the provision for the populous districts throughout the kingdom had received any substantial increase. The grant of an additional £10 a year to one poor Benefice, or of £20 a year to another, did little to meet the urgent necessities of the case. It was, therefore, high time that their Lordships should know what was done with the sums taken from this diocese by the Commissioners. It seemed very hard that because in some places within that see the income was great, and the labour small, no consideration was shown, out of the surplus thereby obtained, for other places in the very same diocese, where, on the contrary, the income was small, and the labour great. There must be very considerable sums of money derived from Durham, which might be employed most beneficially for the large parishes where the population was increasing enormously, and the want was extreme. He thought it had been fully established that hitherto justice had not been done to the diocese of Durham; and he should not have done his duty to those who had entrusted him with these petitions, if he had not entered into these particulars. He hoped, in conclusion, that some measure would be speedily adopted to remedy what was undoubtedly a most crying evil.

THE BISHOP OF CARLISLE thought it was quite right that the attention of their Lordships should be called to the spiritual necessities of so large and populous a diocese as Durham; but it was also right that their Lordships' attention should be directed to the Common Fund in the hands of the Ecclesiastical Commissioners; for if the plan advocated by the noble Viscount were carried out to the full extent of Diocesan local claims, it would strike at the root of all those hopes entertained on behalf of the poorer clergy in other parts of the kingdom, for whom he was afraid the noble Viscount had not the same sympathy as with the clergy of Durham. The noble Viscount had said that some consideration ought to be given to the large amount of money abstracted from the diocese of Durham; but he (the Bishop of Carlisle) thought that still greater consideration should be entertained for the actual condition of the diocese of Carlisle. The number of livings in the diocese of Durham

was 264, and in that of Carlisle 261. In Durham there were 28 livings under £100 a year; but their Lordships would be surprised to hear that in the diocese of Carlisle there were 11 livings under £50 a year, 9 under £60, 16 under £70, 15 under £80, 22 under £90, and combining the whole there were 120 under £100 per annum. He was quite aware that great claims could be urged with respect to the number of the population to whose spiritual wants the clergy ministered; but there was another important element to be considered, that was the extent of the acreage of the various parishes. In London, in many instances, a clergyman might go half over his parish in a few minutes; but in parishes so extensive as those in the diocese of Carlisle, the labour of visiting was very great. With respect to the sum abstracted from Durham, he found by a Return moved for in the other House of Parliament, that in 1857 the total income of the Dean and Chapter of Durham was £81,000, of which £22,000 was expended in defraying the expenses of the services in the cathedral and other outgoings connected with it; in point of fact, £53,000 was expended in respect to the cathedral alone, Their Lordships had already twice confirmed the plan of the Common Fund as now placed in the hands of the Ecclesiastical Commission, and under those circumstances, he hardly thought it wise that they should pass a retrograde Motion founded upon a petition without entering into the fullest investigation. Their Lordships should consider how many had benefited and how many looked forward to benefit by the resources of this diocese. A clergyman must live whether there was a large population in his district or a small one; and when gentlemen came to him for ordination, and in reply to questions as to their future prospects, stated that their expectations of clerical preferment were almost *nil*, he was frequently induced to warn them that although they might find the air and the scenery of Cumberland delightful, yet he was afraid that it would only tend to increase their appetite, and that a curacy of £50 a year held out very little hope of a comfortable existence. Clergymen in such a position, when called upon to visit the poor and the sick, must feel deeply their inability to afford them any temporal relief. It was most desirable that means should be found to enable these excellent, but unfortunate, because poor, clergymen to live in a manner becoming their position, and to contribute to the assistance of the sick, the sorrowing, and the dying. The funds of the diocese of Carlisle were absolutely exhausted; but that was not the case with that of Durham, nor did he think that sufficient grounds had been laid before their Lordships to induce them to make any change with respect to that diocese.

EARL GREY said, he had heard with considerable regret the speech of the right rev. Prelate who had just sat down. This was not the case of the comparative claims of the diocese of Durham as compared with that of Carlisle. The case brought before the House by the noble Viscount was this—that in Durham the property of the Church had been vastly increased in value by the working of mines. Large masses of people were brought together, by the labour of whose hands that property was made productive. An enormous income was derived from this source; and while private owners acknowledged the claims of their workpeople, and more or less provided for their spiritual wants, the Ecclesiastical Commissioners alone ignored those claims, and did nothing or next to nothing for the benefit of that large population from whose labours they derived so large an income. The principle for which the noble Viscount behind him contended had not only been affirmed by Select Committees of that House, but a Bill had been introduced on the subject, into which a clause, the object of which was to carry into effect that principle, had been introduced, and which failed to pass through the other House of Parliament simply because of the advanced period of the Session. The principle was, he maintained, one of undeniable justice, and he therefore trusted Her Majesty's Government would not lose sight of the question, but would, as soon as possible, endeavour to place it upon a more satisfactory footing.

LORD RAVENSWORTH said, that the Ecclesiastical Commissioners, to whose control was committed a large amount of Church property, were responsible for the religious instruction and education of the large masses of the population to whom the petition presented by the noble Viscount referred. He himself had, he might add, been intrusted with a large number of petitions, all praying their Lordships to take into consideration the necessities of the case. He had, for years past, but in vain, endeavoured to procure the recognition of the claims of the

diocese of Durham on the consideration of Parliament. The result of inattention to those claims had been that the Bishop of Durham, in pursuance of his duty, had convened a public meeting in the town of Newcastle to which were invited all the principal landowners and proprietors of the diocese in order that he might lay before them the lamentable condition in which the population in his diocese was placed. No difference of opinion had been displayed by the laity on that occasion as to the propriety of the appeal which had been made to them; but it had been justly contended that so long as a large amount of ecclesiastical property continued to be vested in the hands of the Ecclesiastical Commissioners, and aid was refused by them towards the spiritual destitution which prevailed in the diocese, while its revenue was applied to other uses, it was unfair to appeal to the laity for assistance. He therefore demanded in the name of justice that a due proportion of that revenue should be devoted by the Ecclesiastical Commissioners to the wants of the diocese of Durham, and trusted that Her Majesty's Government would take care to bring about that result.

THE EARL OF CHICHESTER said, he did not desire to prolong the discussion, but wished briefly to refer to one or two points which had been alluded to in the course of the discussion. The annual amount paid from the fund of the Ecclesiastical Commission for the augmentation of small livings was £90,000; that amount was paid for this object last year. To this Common Fund of the Commission the diocese of Durham contributed £28,000. Of the Common Fund a considerable portion was appropriated to the augmentation of poor livings in the diocese of Durham, which had its full share of the Fund. As their Lordships were aware, the Commissioners could not, under the Act of Parliament, make any special application of the sums they received to the purposes of the district from which those sums were drawn.

THE BISHOP OF LLANDAFF thought, where there was a large population, and where property had been greatly increased in value by their labour, the Ecclesiastical Commissioners were bound to consider the claims which that population had upon them as proprietors. His right rev. Brother did not make any claim on the part of any particular parishes; he spoke of the diocese of Durham as a whole, compared with other dioceses; and in reference to this he alluded to some parishes of large area and small endowments. In the first fifty years of the present century, from 1801 to 1851, the population of the diocese of Durham had increased in a ratio of 160 per cent. But this was exceeded by his own diocese, which included the whole of Monmouthshire and a large part of Glamorganshire. It appeared from the Tables in Mr. Chester's abstract of the Censes that in 50 years, from 1801 to 1851, the population of Monmouthshire had increased by 244 per cent, and that of Glamorganshire 223 per cent.

THE BISHOP OF LONDON said, the diocese of London was much in the same position as the diocese of Durham; as they were, perhaps, on the eve of some legislation on the subject, he thought it should be known that London and Durham were united in feeling on it. He believed it would be impossible to raise any considerable funds to provide for the spiritual destitution of the Metropolis while the Ecclesiastical Commission received very large sums from rents of houses in the poorest parishes; the first duty of the Commissioners should be to recognize the claims of those who resided in these houses. He did not find fault with the Ecclesiastical Commissioners for not having done what the law did not enable them to do. But the object of the petition was to request their Lordships seriously to consider whether the law ought not to be altered. It was well that those who might be engaged in drawing up a Bill on the subject in either House should understand how strong the feeling of the country was upon the subject. Changes were about to take place, by which large funds would fall into the hands of the Ecclesiastical Commissioners, and it was prospectively that the petitioners were desirous that a change should take place. Persons would no longer be willing to subscribe a poor pittance for the clergyman when ample funds were drawn from their own neighbourhood. He therefore trusted that in any future legislation regard would be had to the last Report which had been made on this subject.

Petitions ordered to lie on the table.

CHARITABLE USES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD CRANWORTH, in moving the second reading of this Bill, said its object

was to amend certain provisions of an Act commonly, but not very accurately, called the Mortmain Act. The object of that Act, passed in the 9th of George II., was to prevent dying or languishing persons from disposing of their landed estates by giving them to charity, it having been discovered that persons who had during their lives been neglectful of their duties to the poor were not unfrequently induced to endeavour to make compensation by giving away from their heirs and successors the property which they themselves had enjoyed. The Act forbade bequests of land to charitable uses by will, but it did not prevent persons from giving their lands to such purposes in their lifetime, provided such gift were made by deed executed at least twelve months before death, and provided the estate immediately passed out of the owner's possession. An exception was made in the case of lands which were purchased by the trustees of a charity with funds already in their possession—to these the twelve months condition did not apply. The Act itself had operated remarkably well; but there were certain provisions of a purely technical nature which were found extremely inconvenient. For instance, no conveyance of lands to charitable uses could be made, except by deed indented, as it was called, according to the old form; which entirely precluded any bequest of copyhold lands from taking place, as these could not be conveyed by any other mode than by surrender in the Lord's Court. In the Act it was also stipulated that in the case of any person bequeathing or parting with his land for charitable uses the conveyance should not be attended with any reservation whatever. This prevented a person who was willing to give land for a playground, or for the site of a schoolmaster's residence, from retaining even a right of way, which might be of great importance to the remainder of the property. There were other details of a similar character with which he need not trouble the House; he would merely state that the object of the present Bill was to retain all the provisions of the Mortmain Act which were matters of substance, and to get rid of those which were matters of form. In the Mortmain Act there were two classes of provisions—one relating to lands given, and the other to lands purchased. Different considerations applied to these two classes, but in both cases the Act provided that if anything were done contrary to the Act, the whole transaction should be null and void. With regard to lands given, this provision might be extremely reasonable and fair; but with regard to lands sold it operated in a way which was absurd, for the consequence was, that if the trustees of lands did not comply with the requisitions of the statute, the vendor, who had the purchase-money in his pocket, might claim the land also. In two or three instances—once in the reign of George IV. and twice in the present reign, Acts of Parliament had been passed making good conveyances where the trustees had not complied with the provisions of the Mortmain Act. He saw no objection, therefore, to making the remedy provided by this Bill retrospective in cases of purchase, though there was a great objection to making it retrospective in relation to lands which had been given. As the Bill stood it made the remedy retrospective in both cases, but in Committee he should propose to strike out the clause which made it retrospective in regard to lands given. In 1852 a Select Committee was appointed by the other House to consider the Mortmain Act, which recommended that, whatever else might be done, steps should be taken immediately to give a retrospective remedy in the case of purchased lands. Several Bills of this description had passed through the other House, with the general assent of all the legal authorities there, but up to the present time none of them had passed into law.

Moved, That the Bill be now read 2ª.

Lord ABINGER said, that in his opinion this Bill ought not to receive the sanction of their Lordships. He believed that this Bill, or another with the same clauses, and under a different title, had been rejected by their Lordships no less than four times. The Bill was evidently intended to repeal the Mortmain Act. But it would not remove the evils complained of, and if their Lordships passed the Bill they would be legislating in the dark. It seemed to him that if they assented to this measure they would render the law of mortmain wholly impracticable. He could not see why the Bill should have been brought before Parliament. Its purpose was to repeal the Statute of Mortmain, not directly but by a side wind; and therefore he begged to move, as an Amendment, that the Bill be read a second time that day six months.

Amendment *moved* to leave out "now" for the purpose of inserting "this day six months."

Lord CRANWORTH intimated that he should not press the Motion for the second reading of the Bill to a division.

The LORD CHANCELLOR said, he was glad that his noble and learned Friend did not intend to divide the House on the second reading; but he also rejoiced that his noble and learned Friend had introduced this subject, for it was one of infinite importance. The law of mortmain was in a most unsatisfactory state, and he wished extremely that his noble and learned Friend would take the whole matter in hand. It was a most difficult undertaking; but there was no Member of either House of Parliament who was more qualified to grapple with its difficulties than the noble and learned Lord. He (the Lord Chancellor) approved of the prospective clauses of the Bill; but, upon the whole, he thought it would be more prudent to postpone the further consideration of the measure.

Lord WENSLEYDALE agreed that there were considerable grievances to be redressed, and suggested that the best course would be to read the Bill a second time and refer it to a Select Committee.

On Question, That "now" stand part of the Motion? *Resolved* in the *negative;* and Bill to be read 2ª this Day Six Months.

MILITIA (IRELAND).

QUESTION.

The Marquess of CLANRICARDE rose to ask Her Majesty's Government, Whether they did not consider it expedient to postpone the training of the Militia in Ireland to a later period than that now proposed, in consequence of the backward state of agricultural operations in that country. The calling out of the Militia at the period proposed would be seriously inconvenient to the farmers of the west of Ireland; and as, moreover, it would occur at a time when labour was exceedingly well remunerated, it would also be injurious to the interests of the militiamen. Nothing could be more injudicious than to fix upon such a time for the training as it was obviously desirable to render the service as popular as possible with all parties concerned. By persisting in the course they had announced he was afraid the Government would lose a great number of the men. Many of the persons who had received the bounty had applied it to the purposes of emigration; and as an extensive emigration was now going on from the west of Ireland, the same result would probably happen again if the bounty were paid now and the men dismissed just before their idle time. He hoped that the Government would therefore give their best attention to this matter, and consent to a postponement of the period of training.

The Earl of CLANCARTY wished to bear his testimony to the importance of this subject. The calling out of the militia at that time of the year, especially in the west of Ireland, would be attended with serious inconvenience, not only to husbandry in general, but to the operation of cutting turf. When labour ceased to be in demand there was great distress among the working classes; and at such a period there would be great advantage in having the able-bodied men called out to serve in the Militia. Moreover, it was desirable to increase the number of volunteers from the Militia to the line; and under the pressure of want, no doubt, many would apply for enrolment.

Earl DE GREY and RIPON explained the course which the Government had taken in this matter. The Militia Commission which sat last year gave it as their opinion that it was very desirable the militia regiments throughout the country should be trained as nearly as possible simultaneously, in order to prevent the practice of fraudulent enrolment first in one regiment and then in another. That recommendation was adopted by the Government and sanctioned by the Parliament, and the Secretary of State for War subsequently issued a circular calling the attention of Lords Lieutenant to the provisions of the Act, and announcing that the various regiments would be called out almost simultaneously—those in the South of England at the end of April or the beginning of May; those in the northern counties somewhat later. Communications on the subject were also made to the Lord Lieutenant of Ireland, and his Excellency having consulted the Lieutenants of the counties, the larger number of them thought the time fixed upon for the training of the English regiments would likewise suit the Irish regiments, although a few of them suggested a later period for the purpose. In all those cases in which the later date had been recommended it had been adopted; and in some cases in which, though an earlier period was at first recommended, a postponement was afterwards desired, a postponement

had been accordingly assented to. The intention therefore was to call out some of the Irish militia regiments on the 1st of May; some, again, on the 14th of May; and the last on the 22nd of the month; the effect of which would be that for a certain period the whole of the regiments would be out at the same time. He understood that but few representations had been made to the Irish Government that any serious inconvenience would result from the adoption of the plan determined upon. And as the date for calling out the regiments was now so very near, it was not deemed desirable nor necessary to make any changes in the matter.

DIVORCE COURT BILL.—REPORT.

The LORD CHANCELLOR *presented* (by command) Copy of a Letter from the Lord Chief Justice of England, to the Lord High Chancellor: (being the same which his Lordship read to the House yesterday).

Amendments *reported* (according to order).

Lord REDESDALE proposed the insertion of the two following Clauses:—

"The Court shall not be bound to pronounce a Decree declaring a marriage to be dissolved in any case in which the wife shall be found to have been unchaste before marriage, and the husband shall not satisfy the Court that he was ignorant of her having been so at the time when he married her."

"If a woman shall have married, being at the Time of such Marriage with Child by another Man, the Man she has married may petition the Court for a Sentence of Nullity of such Marriage; provided such Petition shall be presented before or within two Two Months after the Birth or Miscarriage of any such Child; and if the Court shall be satisfied on the Evidence that the Petitioner was not the Father of such Child, and that he did not know that the Woman was with Child at the Time when he married her, the Court shall decree the Nullity of such Marriage, and no such Child shall be held to be the Child of the Petitioner although such child may have been born before the Decree of Nullity shall have been pronounced."

The LORD CHANCELLOR objected to the proposed clauses. The object of the Bill before the House was not to change the law, but to improve the procedure of the Divorce Court.

Clauses *negatived.*

Amendment *moved;* and (by leave of the House) *withdrawn;* Bill to be read 3ª on *Monday* next.

House adjourned at a Quarter before Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, April 27, 1860.

Minutes.] Public Bills.—1° Stock Jobbing.
2° Ecclesiastical Courts Jurisdiction.
3° Church Rates Abolition; Jews Act Amendment.

OFFICE OF CORONER.

QUESTION.

Mr. COBBETT said, that he wished to ask the Secretary of State for the Home Department, Whether it is his intention to propose to Parliament any measure to carry into effect the recommendations of the Select Committee on the office of Coroner?

Sir GEORGE LEWIS, in reply, said, he had a Bill now on the Orders of the House, giving an appeal to the Court of Queen's Bench in cases of dispute between County Magistrates and Coroners. Since that Bill was introduced, the Committee to which the hon. Gentleman had referred had sat and made a Report. There were several of the recommendations of the Committee he should be disposed to adopt, either by bringing in a new Bill or by amending the Bill now before the House. But the main recommendation—namely, that the Coroners should be paid by salary and not by fees, he was not disposed to adopt. It appeared to him that if they were paid by salary, there would be no security for the adequate performance of the duties.

METROPOLITAN TOLL GATES.

QUESTION.

Mr. INGRAM said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the notice of a public auction for the immediate letting of certain Toll Gates in the Metropolis, and also, whether he intends to take steps to prevent such auction, and to introduce to the House a measure to abolish the Turnpike Gates within the Metropolis? He was induced to ask the question, because that House had some two or three years ago agreed to an Address to the Crown for the issuing of a Royal Commission, with the view to the abolition of those gates.

Sir GEORGE LEWIS said, he was aware that notice had been given accord-

ing to the usual practice for the letting of the toll gates by public auction. There was nothing in the circular to call for animadversion from any public authority. With regard to the latter part of the question of the hon. Member, he coincided with the Report of the Commissioners, that it would be desirable to abolish some of the toll gates immediately adjoining the metropolis. He had been in communication with the Metropolitan Commissioners to effect that object, but he had not as yet been able to arrange with them any practical measure; and even if he had, in the present state of the business of the House he did not think there would be any use of introducing a Bill on the subject.

SLAVE TRADE IN COOLIES.

QUESTION.

MR. BUXTON said, he would beg to ask the Secretary of State for Foreign Affairs, what steps the Government are taking to stop the Slave Trade in Coolies between China and Cuba?

LORD JOHN RUSSELL was understood to say, that a trade of the kind alluded to had been carried on with great secrecy in foreign vessels. When the Governor of Hong-Kong became aware of the fact, he gave the most stringent instructions on the subject; and the Commissioners of the allied Powers at Canton adopted some measures to put a stop to the system, which were for some short time successful. The Spanish authorities of Cuba had issued directions that after the 1st July, 1861, no Asiatic should be introduced into Cuba; but our Officer at the Havannah said he feared that that regulation would have the effect of giving increased activity to the slave trade. He had received that day a despatch from Mr. Bruce, in which he said that the Ministers of Spain and Great Britain had endeavoured to come to some arrangement by which a stop would be put to this practice. Mr. Bruce's communication was under the consideration of the Government, and it was to be hoped that some effectual measures would be taken to prevent the continuance of the trade referred to.

DISTURBANCES IN BENGAL.

QUESTION.

MR. KINNAIRD said, he rose to ask the Secretary of State for India, Whether he has received any official accounts of the origin and causes of the late disturbances among the Ryots in Lower Bengal; and whether any measures are in contemplation for increasing the number of European Magistrates and for improving the police generally in Bengal in accordance with the recommendations of the late Lieutenant Governor? By the last mail he believed that intelligence had been received of the increase of the disturbances.

OUDE CROWN JEWELS.

QUESTION.

SIR MINTO FARQUHAR said, he would beg to ask the fate of the Lucknow Jewels taken at the Residency, and which belong to the King of Oude; and whether it is true that they have been returned to the King.

SIR CHARLES WOOD said, in reply to the Question of the hon. Member for Perth (Mr. Kinnaird) that it was possible some official letters had arrived that morning, but he had not seen them, and therefore he was unable to give any authentic information on the subject. He had, however, received private letters containing information on the subject, and stating that measures for the increase of the Police were in contemplation.

In reference to the question of the hon. Baronet opposite (Sir M. Farquhar) certain Jewels which belonged to the Princes of Oude were carried into the Residency before the siege. He could not say what had become of them. But the King of Oude had lately applied for some Jewels that had belonged to him, and the Governor General had ordered them to be given up. He could not say whether they were the State Jewels or not.

REPORTED DISASTER IN THE PEIHO

QUESTION.

MR. DALGLISH said, he would beg to inquire of the Government, Whether there is any truth in the report of the sinking of two English frigates, the *Dove* and *Algerine*, by the guns of the forts on the Peiho river?

LORD CLARENCE PAGET said, that a despatch had been received from Admiral Hope, dated Hong-Kong, March 15, in which it was stated that the *Sampson* had arrived, and that the day before she was in company with the two vessels reported to be sunk. Therefore, there was no reason to suppose that the report in question was founded in truth.

On Motion that the House at its rising do adjourn till Monday,

CONDUCT OF THE INDIAN CADETS IN EGYPT—QUESTION.

Mr. MILDMAY said, that he wished to call the attention of the right hon. Gentleman, the Secretary of State for India, to the statements published in *The Times* of the 23rd inst., which represented the conduct of the Indian Cadets in passing through Egypt as "systematically outrageous," and to ask him whether there was any truth in the charge thus made; and if so, whether he was prepared to take steps for discovering and punishing past offenders, and for exercising more control over those young gentlemen for the future. It was alleged that the Cadets entered the great mosque at Cairo while a religious ceremony was being performed, and the Viceroy was present; and they misconducted themselves so grossly, that by the direction of the Viceroy they were turned out of the building. This was not a mere ordinary disturbance. It was most important for the safety of our Indian Empire that the privilege of transit through Egypt should be maintained; but could we expect to maintain it, considering the sensitiveness of Eastern nations in matters of religion, if such outrages were continued? If the officers alluded to in *The Times* were really guilty of such conduct, they showed themselves ill qualified for their future position in India, a country where it was essential that every respect should be paid to the religious prejudices of the Natives. If, on the other hand, the offenders were not officials, it was necessary that some special power should be given to our representatives in Egypt, by which they should be enabled to exercise some control over the English passengers. The question was not merely whether the transit should be made unpleasant to succeeding passengers—far more important results were at stake. The Mahomedans had the means of spreading, with extraordinary rapidity, any news relating to their religion; and who could tell that what was done out of contempt for Mahomedanism in Cairo might not produce a bad effect among the fanatical tribes on our north-western frontier? France had always been carrying on intrigues against us in Egypt, her object apparently being to render our tenure of the transit route precarious, and, upon a favourable opportunity, to interrupt it altogether. The Suez Canal was, no doubt, projected with this view; for a large number of Frenchmen would thereby have been brought into Egypt, and would have established for France a greater hold upon the country. Hitherto we had been able effectually to maintain the transit, owing to the friendly relations which existed with the Porte, and the profit derived by the latter; but, if these outrages upon the Mahomedan religion were repeated, the Porte might no longer be inclined to allow the use of this route by England.

Colonel SYKES said, that before the right hon. Gentleman answered the question, he wished to observe that gentlemen going to India had a right to complain of an anonymous accusation, charging them with the commission of systematic outrages. The account in *The Times* set forth that "we" had ascertained that the Indian Cadets were guilty of these offences. Who were the "we" here referred to? He hoped the right hon. Gentleman would try to ascertain this, and, if necessary, would prosecute the accuser for gross calumny. As to the specific case mentioned, it was stated in a letter in *The Times* that at the moment when this outrage was said to have taken place at Cairo, the Bombay passengers had left Suez and were on the voyage to Aden. Under the old *régime* the Court of Directors were in the habit, when they sent out Cadets, of placing them in the charge of an officer who was bound to send a report to the Court of Directors of the conduct of the individuals under his charge, and if any one misconducted himself, the Court of Directors would send orders with regard to his disposal afterwards in India. In this way they were enabled to ascertain what was the conduct of Cadets after leaving this country, and he would ask the right hon. Gentleman (Sir C. Wood) whether he had received systematic reports from India on this point, and whether there was on record a single instance of outrages of this description?

SALE OF GAS ACT.

QUESTION.

Mr. BYNG said, this Act had been passed at the fag-end of last Session, at a time when there was a thin attendance, and there were several points connected with its construction on which doubt existed. He wished to ask the President of the Board of Trade whether its provisions, which would come into operation on the

13th of next May, were compulsory or permissive; whether the magistrates at Quarter-Sessions would be allowed to defray out of the county rates not only the expenses of the inspectors, but the pay of sub-inspectors and of labourers, who would be required to assist the inspectors, the cost of stations, and of model gas-holders; and if so, whether the small remuneration (six-pence) to be allowed for stamping the models, would be increased by a Supplemental Bill? In Middlesex the cost of the new system would, it was estimated, amount to £2,000 a year; and if only sixpence were allowed for stamping the models, the result would be to throw a heavy additional burden on the ratepayers.

FRENCH SILK DUTIES.

OBSERVATIONS.

MR. NEWDEGATE said, before the right hon. Gentleman the President of the Board of Trade answered the question of the hon. Member, he was anxious to call his attention to a subject of the greatest importance to some of his constituents. He was informed that at that moment negotiations with the Government of France were going on as to the basis upon which the 30 per cent duty upon our silk goods entering France was to be determined. He recollected the difficulty that had existed with the American Government upon the subject of those valuations. If the valuations were real, 30 per cent might be said to amount to something like a prohibition. He had seen the French accounts of the mode in which those valuations were made. The valuation of those goods was enormously higher than that which was put upon them at the Custom House on their arrival. The House would feel he was only doing his duty in calling the attention of the Government to this question, inasmuch as a large body of persons whom he represented were already plunged into deep distress by the execution of those Treaties. He trusted attention would be given to the subject, so that the valuation upon which an *ad valorem* duty was to be assessed in France should not be such as to enhance the duty beyond even the fair 30 per cent that was to be levied upon silk and mixed goods, so that, in fact, that 30 per cent would not be calculated upon the fictitious value that was usually put upon them by the French Government. If there was a mistake on this subject it would render the 30 per cent absolutely prohibitory on the whole produce of England in that branch of manufacture.

MR. MILNER GIBSON said, that in answer to the question of his hon. Friend the Member for Middlesex, he had to state that the Board of Trade was in no wise responsible for the Gas Act. In fact it was not a Government measure; and the Board of Trade possessed no authority under the Act. He was quite unable to give a legal explanation of the various clauses, or as to the mode in which the expenses incurred in carrying out the Act were to be defrayed. All that the Board of Trade had to do with it was simply this:—The Treasury wrote a letter asking whether the Act was a practicable one. The Board took it into consideration and consulted the Astronomer Royal, and their reply to the Treasury was, that it did not appear to them to be at all impracticable, and so the matter, as far as the Board of Trade was concerned, terminated.

With regard to the question of the hon. Member for North Warwickshire, he must beg him to understand that the Commissioners were not about to negotiate upon any new basis or principle, but merely to carry the out details and the provisions of the Treaty already made between the Governments of England and France. There could be no doubt that it would be the earnest desire of the Commissioners to carry out these provisions in the most satisfactory manner.

MR. PHILIPPS said, that with reference to the Sale of Gas Act, another question arose than that put to the Board of Trade. That question was whether it was just or not; seeing, for example, that it contained a clause for taxing persons who were practically strangers to the use of gas. He (Mr. Philipps) was aware that theoretically speaking, every Member ought to know the contents of every Bill that came before the House; but everybody knew that that was impossible. But certainly no one would have expected to find in a Gas Bill provisions affecting the county rates. The Bill was introduced at the fag-end of the last Session—it was, in fact, the very last measure that was passed; and when he heard it had passed and became acquainted with its provisions, he wrote to his right hon. Friend the Member for Oxfordshire on the subject, who replied that it had passed without his knowledge. He (Mr. Philipps) put it to the House that if a measure passed without the right hon. Gentleman being privy to it, it must have passed in a surreptitious manner.

THE RATE-PAYING RETURNS.—THE REFORM BILL.—QUESTION.

SIR MINTO FARQUHAR said, he was anxious to put a question to the President of the Poor Law Board upon a subject that was just then of considerable importance. In the course of the discussion upon the Reform Bill many doubts had been cast upon the accuracy of the Returns which had been obtained by the Government, and which had no doubt been taken as the basis for their Reform Bill. For instance, his right hon. Friend the Member for Droitwich had stated it to be notorious that premises were very frequently rated at amounts below the rent for which they were let. The noble Lord the Member for King's Lynn (Lord Stanley) had told the House that these Returns made out the addition to the number of voters in that borough to amount to only 50 per cent, whereas, after a careful examination, he found that the actual increase would be 90 or 100 per cent. As the noble Lord the Member for the City of London and the right hon. Gentleman the Secretary for the Home Department contended that the Returns were accurate, the matter was a *vexata quæstio*, and an effort ought to be made to settle it. The instructions from the Poor Law Board to the proper authorities in the different boroughs were clear and precise, but they required, in addition to the Returns that had been published, a return of all those who paid rates from £5 to £6. Such a Return had accordingly been furnished, but the Government having determined upon a £6 franchise had not thought it necessary to lay before the House the return of persons assessed at £5 and under £6, yet it was really important to have it, as affording information on a most material point. In reference to Hertford, one of his constituents, who was very well informed on the subject, in reply to an application from himself, had favoured him with a communication in which the whole matter was so conclusively stated that he would read it to the House. His correspondent said :—

"In answer to your inquiry, I do not think that the Parliamentary paper No. 124 shows the *maximum* increase that may be expected under the £6 franchise. The parish returns may, I think, be relied upon. The instructions from the Poor Law Board, on which they are founded, are so clear and precise that the parish officers could not misunderstand them; but the whole of them are not given in No. 124, and I think that, in order to obtain the *maximum* under a £6 franchise, the returns from the parish officers in the column '£5 and under £6' gross estimated rental should be taken into consideration. The returns from Hertford were as follows:—£5 and under £6, 135; £6 and under £7, £75; £7 and under £8, 38; £8 and under £9, 98; £9 and under £10, 27; £10 and upwards, 541; but the '£5 and under £6' column is not given in No. 124. The number under that column is, you see, 135, and from inquiries that have been made, I am told that positively sixty of these are paying rents of £6 and upwards, and that probably more of them would come in under a £6 franchise. The error in the Government calculation, if an error it should turn out to be, appears to me to be that they have taken the 'gross estimated rental' of the parish books as amounting to the same thing as the 'clear annual value' of the Reform Act. Perhaps, in law it ought to do so, but certainly in fact it does not. As far as Hertford is concerned, part 2 of No. 124 gives 238 only as the *maximum* increase for Hertford under the £6 franchise, whereas the real *maximum* would be, for the reasons I have stated above, about 300. Again, part 1, No. 124, seems designed to show the excess which the £6 franchise would give over the number of electors now on the register. The column relating to the number of electors gives 613 for Hertford in 1858-1859, whereas that is the number of names on the register book: but the real number of electors, as was clearly stated in the Hertford return, was only 539; the difference of 74 arises from the fact of duplicate qualifications. Then take the last column, for 'excess over electors,' this gives 166 only for Hertford, whereas, if the correct number of electors had been given, the excess would have been 240; and, if we add to this the number that would come in from the '£5 and under £6' column, the *maximum* would be at least 300 of excess, instead of only 166. I merely state how the matter stands as to Hertford. I know nothing about other boroughs, but it seems to me that return No. 124 does not give the *maximum* under a £6 franchise."

That statement clearly showed that proper conclusions could not be drawn from the Returns which had been produced. His hon. Friend the Member for Aylesbury had also received a communication from a gentleman at Aylesbury, who said :—

"Lord John Russell's notion that about 220,000 voters will be added to the borough constituency is incorrect, and I feel persuaded that the increase will be at least 400,000. The fact is, that he bases his calculation upon the returns from the poor-rate; but the words in his Reform Bill are 'value or rental,' and my own impression is that if you take the two columns in the rate-book and find a house with a gross value of £5 and a rateable value of £4, it will nearly always command a rent of £6, and will consequently confer the vote as I understand; but all these cases are omitted in Lord John Russell's calculations as to the increase, because his returns only included properties which have a value of £6 attached to them in the poor-rate book. Everybody who has had any experience in the mode of making poor-rates well knows that the gross value in the poor-rate does not represent the rent, and of course the rateable value is still less."

A gentleman had written from Windsor

in a similar sense to his hon. Friend the Member for that borough (Mr. Hope):—

"I enclose you an account of the number of houses rated at sums varying from £5 to £6 but not including any at £6, which I have personally extracted from the rate-book, and can, therefore, rely upon. The rateable value of houses in Windsor is at about two-thirds of the actual rent, and I have known several cases in which parties have claimed to be on the register as £10 householders, although only rated at £6 or £7."

As it was very important that the Returns upon which the action of the House was to be based should be accurate, he wished, for the sake of information, to ask the President of the Poor Law Board whether, in obtaining Returns of Male Persons resident within each Parliamentary City and Borough in England and Wales, or within seven miles thereof, assessed to the last Poor Rate made before the 7th of November, 1859, at £6, £7, £8, £9 and £10 and over, instructions were not issued for Returns, and Returns made, of Male Occupiers at £5 and under £6; and, if so, why such information was not given in the Return of Male Occupiers, No. 124, of the present Session?

Mr. C. P. VILLIERS said, in answering the question which had just been asked upon this subject, he should not enter upon a matter which belonged to the general subject. He was asked whether the instructions for a Return of the male occupiers did not extend to that of £5 occupiers. His reply was, that the instructions did so extend. The reason why that information was not laid before the House in the Return numbered 124 was that he (Mr. Villiers) did not move for that Return. In the first place, these Returns were not made on any Motion of the House, but were Returns made for the information of the Government before they decided on the measure of Parliamentary Reform to be submitted to the House; and when it was decided to limit the franchise to £6 occupiers, he did not think it would be interesting to the House to know the number of male occupiers of a lower denomination. A wish had, however, since been expressed in the House for that Return; a Motion had been made on the subject; and he believed that the document would be laid on the table that evening. Up to this moment not the least reason had been found, in the department with which he was connected, for doubting the accuracy of the Returns. Whenever an instance of inaccuracy had been cited in the House, a particular inquiry had been instituted, and the correctness of the Returns had been verified. The noble Lord the Member for King's Lynn (Lord Stanley) had stated, for instance, that there was a difference of 50 per cent between the numbers on the Returns and the real numbers in that borough, referring to the addition which would be made to the constituency. He thought that noble Lord must have had very precise information, and, in consequence, he directed special inquiries to be made as to the Return for King's Lynn, and the result of those inquiries was that the Return was perfectly accurate; therefore the statement of the noble Lord must have been made on somewhat inaccurate information. It was almost exactly the same with every other case of supposed inaccuracy which had been brought before the House. He did not pretend that the Returns in question were infallible; he did not say that there might not be some way of accounting for the discrepancy between the numbers stated by hon. Gentlemen and those which appeared in the Government Returns; but whenever an inquiry had been made, the accuracy of the Returns had been verified. The statement made by his hon. and learned Friend the Member for Marylebone (Mr. James) had made a statement as to the inaccuracy of the Returns, offered no exception to this observation. He did not pretend to question the inquiries which his hon. and learned Friend said he had himself made, not only into the Return for his own borough, but into those of not less than eighty other boroughs to which he had extended his investigations. His hon. and learned Friend had stated the result of those inquiries very distinctly and emphatically to the House; and when any hon. Gentleman made a statement on his own word and honour, the House was bound to pause. He repeated that he did not deny the accuracy of his hon. and learned Friend's statement; but he did say that inquiries of the parochial officers had been instituted, and that up to that moment the Returns had been verified. He did not believe that a Return of those persons who were rated at £5 would prove of much more importance to hon. Members, because no one is likely to be placed on the rate-book at a higher valuation than the rent which he paid, and if he were placed on it at a lower value that fact would attract the notice of his neighbours, who would not allow him long to be favoured at their expense.

Sir JOHN PAKINGTON: Sir, I must

express my surprise at hearing the right hon. Gentleman state that he adheres to the opinion that the Returns are accurate. I presume that what he means is this—that they are fairly copied from the rate-book. Is that his reason? [Mr. Villiers intimated his assent.] If that is the right hon. Gentleman's meaning, I for one do not doubt it. I never imputed to the right hon. Gentleman that these are falsified Returns, or that the Government had any intention to deceive the House. What I have said is this—that these Returns convey to the House an erroneous impression as to the number of voters which will be added to the register under these respective amounts. And why? Because I maintain that the column in the rate-books headed "gross estimated rental" affords no accurate information as to the amounts of rental really paid. Do I understand the right hon. Gentleman correctly or not? Is that what he means when he says these Returns are accurate—that they are correctly copied from the rate-book? [Mr. C. P. Villiers: Yes.] I am very glad to hear that admission; the right hon. Gentleman has only told us what we never doubted; and I tell him that his answer is no answer at all to the point really at issue, and which is a point of immense importance in discussing this subject,—namely, what is to be the real addition to the constituencies. Since I brought this matter before the House I have had communications from, I was about to say, all parts of England; but, I may say, letters from many places containing local information as to what will be the real effect of a £6 franchise if adopted. They are unanimously to the effect that in the local knowledge of the parties writing, these Returns give no information whatever that can be relied on. The right hon. Gentleman has alluded to what was said on a former occasion by my noble Friend the Member for King's Lynn (Lord Stanley). He says he has caused inquiry to be made in King's Lynn, and that he finds the Return for that borough to be perfectly correct; that the addition will be 50 per cent and not 100, as my noble Friend says. But the two statements are quite compatible. The right hon. Gentleman has been to the rate-book, and finds the addition to be 50 per cent; my noble Friend inquires into the real state of the case and finds it 100. Among the gentlemen from whom I have received letters on the subject is one who fills the office of Revising Barrister. His letter is not marked "private," and I presume he has no objection to my repeating its contents. He says he revises the lists of voters for three of the most populous boroughs in Staffordshire, the Potteries, the town of Stafford, and Newcastle-under-Lyme; and that in those three boroughs he is in the habit of adding numbers of persons to the electoral roll who come before him and prove that they pay £10, or more than £10, rent, though they appear in the rent column of the rate-book at much lower amounts. I have no doubt the Returns are correctly copied from the rate-books; but that is no criterion; and the only complaint I make against the Government is this—that in making this Return to the House of Commons, professing as it does to be the guide as to what will be the real addition to the constituencies, they did not candidly state on the face of it that which is notorious to every person acquainted with these subjects, namely, that the "gross estimated rental" column of the rate-book is not a fair criterion by which to judge of the number of persons who pay a rent of £6. But within the last few days a little light has been thrown on the omission on the part of the Government. Every hon. Gentleman must have seen a very long letter which appeared in *The Times* newspaper a few days ago, signed "W. V. H." I read that letter because it bore on this interesting question, and I was struck with two things; first, that it was perfectly evident on the face of that letter that the writer of it, whatever he may know of the law, knows nothing of the practice of rating; secondly, that while he betrays his own want of knowledge on the subject, he indulges most indecorously and offensively in the abuse of every one who differs from him. But since I read that letter I have heard with surprise that the writer is a person who was employed by the Government to collect information for the purpose of compiling this very Return. I know nothing but common rumour for the authenticity of this report; but if it be true that the Government were induced by any reason whatever to intrust the collection of this information to a gentleman who, though he is a master of vituperative language, knows very little of the subject on which he writes, I am not surprised that the Government were misled, and that they did not convey to the House that information which it had a right to expect, but which it is quite clear that this gentleman was little calculated to impart.

Lord STANLEY said, he thought it right to take the opportunity of making an explanation to the House relative to statements which he had made a few evenings previous, when the accuracy of the Government Returns was under discussion. On that occasion he incidentally took part in the debate, and he then mentioned the fact that the Government estimates of the addition which would be made to the £10 constituency by the Reform Bill differed very materially from a private estimate which he had received. It would be recollected that on that occasion he carefully guarded himself from expressing any personal opinion as to which return was correct and which was incorrect, and that he contented himself with simply stating that the fact afforded a fair ground of inquiry. He felt bound, however, in fairness and justice to state to the House that he had that day received a letter from the gentleman who supplied him with that private estimate or return, in which he stated that, after having looked over and compared it with the official document they were now discussing, he was inclined to think that his own estimate was overrated, and that he did not doubt the general accuracy of the Government Returns. He hoped the House would do him the favour to bear in mind that he had expressed no opinion of his own on the subject, and he had now thought it his duty to state to the House what had since occurred with reference to the subject.

Mr. HENLEY said, he hoped his right hon. Friend the President of the Poor-Law Board, if he had it in his power, would add to the Return a column, showing the number of persons who lived in houses between £4 and £5; because without that the House would not get full and accurate information on the subject. He begged to say he agreed with every word which had fallen from his right hon. Friend the Member for Droitwich. Every one conversant with rating knew that the column of gross estimated rental did not represent the actual rent paid to the landlord. They were, therefore, attaching different meanings to the same words. The President of the Poor Law Board had supposed that the accuracy of the Returns had been doubted. That was not the fact. The fact doubted was whether that Return represented the actual rent paid. He (Mr. Henley) confessed he was never more astonished in his life than when he heard the President of the Poor Law Board express an opinion that it did accurately represent the rent paid. He knew very well, and he (Mr. Henley) knew, that it ought to represent the rent, but whether it did or not was a totally different thing. There was another thing that ought to be mentioned. All who were acquainted with rating knew that the difference between the real and estimated value was much greater, as they went lower in the scale. For what was called cottage property the rent, which was usually paid weekly, was always estimated at a figure proportionally much lower than the rent of larger houses, the rent of which was paid annually. He believed that in order to come to a correct estimate on this subject, they must give Returns as far down as £4, or the House would be misled as to the number of voters who would come in under the £6 rental. He did not say that without consideration. He had recently had an opportunity of comparing in a place very recently valued, under circumstances of very sharp litigation, within the last few years; and he had an opportunity of comparing the persons in the register as £10 householders, and he found that many of them were rated at a much lower figure than £10. Parishioners would not be at the trouble of a revaluation, and certainly there was no tendency to deteriorate in rateable value. He further thought the Government might have an opportunity of testing the accuracy of these Returns by means of the Returns to Schedule A of the property tax. He thought that these Returns, if the Government possessed them, though they would tell them nothing about the tenements, would give them something about the rentals. But throughout the whole country he did not believe the gross estimated rental was anything like the rent actually paid.

Mr. PAGET said, he had made inquiries into the Returns for Nottingham and it might interest the House if he stated that the rate-book contained three columns — one for the rent actually received by the landlord, another for the net-rent, a third for the rateable value. The first column consisted, with regard to the houses which were compounded for, of the total payment by the tenant to the landlord for rent and rates; the second contained the net-rent, the point on which the House was seeking information; and then the rateable value was a calculated amount. He had received from several collectors of rents in Nottingham the actual amount of rent they re-

ceived for several hundreds of houses. He had had these compared with the rate-book, and the result was that the latter was found to be substantially correct, if not correct in every instance. His own belief was that they were entirely correct; and, contrary to his expectations, he found that the additional constituency in the case of Nottingham would not be greater than had been stated by the Government.

Mr. J. C. EWART said, he had made inquiries into the case of Liverpool, and was told that the Returns were correctly given by the Government. He thought, however, that they would give a very imperfect idea of the probable constituency owing to the wandering habits of the population, under £10 rental, and from the circumstance that so very few paid their full rates. He believed the additional number of voters would not be higher than from 4,000 to 5,000. Under the present qualification there are 39,730 tenements, but there were so many occupiers who did not pay the whole of their rates, that although at present the constituency was considered to be 18,000, after making the necessary deductions it was not in reality more than 16,000. On the supposition that the Reform Bill passed, the number of the constituency, according to the information he had obtained, would not exceed 20,000, or about 4 per cent of the whole population of Liverpool.

Mr. POULETT SCROPE said, he had taken considerable interest in the question of rating, and his belief was that in the rural districts the gross estimated value did not represent the real rent of house property. He did not see how the Government could have obtained any Returns as to the real rental in all the parishes of England, as the rent was entirely a matter between the landlord and the tenant; and the Government was obliged to take the best Returns they could get. There was another consideration, that at present the £10 franchise did actually exist with respect to those who were entered on the rate-books for £10. A large number of these would get themselves entered on the rate-books at less than £10, and these must be deducted from the gross estimated number of votes, whilst there must be added a certain number living in houses which were below £6 in value, though rated at that amount. So that the result would be pretty nearly six on one side and half a dozen on the other. It was impossible to obtain strictly accurate Returns, but he believed that the Poor-law Returns were as accurate as could be.

Mr. WALPOLE said, he wished to call the attention of the Home Secretary to an observation he had made to the House. There was no person in the House whose authority was greater than the right hon. Gentleman's on that particular subject. He had been President of the Poor Law Board; he was now Secretary of the Home Department. It was well known that he paid great attention to the subject, and great weight had been attached to a statement he had made the other night, in his reply to the hon. Member for Leominster, that he believed the Returns which had been furnished to the Government of the gross estimated rental upon the whole represented fairly the number of persons who would claim under the £6 franchise. It was no doubt very difficult to obtain information from different parts of the country on this subject. In some places the Returns were very accurate, in others very inaccurate. In order to furnish himself with information relative to the mode of rating, he turned last evening to the evidence taken before the Committee of the House of Lords in 1850 on the Parochial Assessment Act, and to the most valuable Report made in 1843 by his hon. Friend the Secretary of State on local taxation. In the first the House would find it stated, on the authority of Mr. Lumley, the Secretary of the Poor Law Board, and of Mr. Hyde, the Inspector of Taxes, that the differences in valuation were very great, amounting, according to the former, to a large percentage on the estimated rental, and according to the latter, in one instance at least, to no less than 100 per cent. [Sir G. Grey: In rating?] In rating and rental both. The Report on local taxation stated that 4,400 tenements out of 15,000 had been valued, some by professional and others by independent valuers; that even when professional men made the valuation there was a difference between the real value of the tenements and the value as represented in the rate-book of 25 or 30 per cent; that when independent parties made the valuations, the inaccuracies were in some cases still greater—being, in some respects, greater than they had been before the valuation was made. The Report was signed by his right hon. Friend. It seemed to him that when a valuation took place under the Parochial Assessment Act, within six years of the time when it was made,

and when subsequent valuations had not taken place, the gross estimated rental would not furnish them with accurate *data* as to the number of persons brought in under the Reform Bill.

SIR STAFFORD NORTHCOTE said, he could give an illustration of the difficulty of getting accurate Returns of the value of property for rating. He had been Chairman of the Quarter Sessions for Devonshire, and they had the Woodbury case brought before them for settlement, after considerable delay and litigation. That was the first occasion on which he had anything to do with making a rate, and he inquired of his brother chairman what was the principle upon which the column of gross estimated rental was made up. His reply was as follows: "Get the gross estimated income by asking the tenant what he would give, he paying all taxes and tenant's rates. After that one-eighth would have to be deducted for repairs and cost of collection, and for house property take off 20 per cent." That was the rule laid down in Devonshire, which he merely mentioned as an illustration of the principle.

MR. BRIGHT said, he very much agreed with the right hon. Gentleman the Member for Oxfordshire, that if the Government had other information with regard to £5 or any other class of occupiers, the more information the House had the better. He was satisfied himself that it would show the enormous magnitude of the class of householders who, after the Reform Bill of the Government was passed, would be still excluded from the franchise. He wished, not in an unfriendly spirit, to say that hon. Gentlemen opposite were acting not very intelligently or fairly in the matter. The hon. Baronet the Member for Hertfordshire admitted, he believed, that the investigations were complete, and as good probably as he himself would have drawn up. He (Mr. Bright) himself thought, at one time, from reading some paragraphs which had appeared in some of the newspapers, that the Returns were not accurate; but he had taken the trouble to get from the borough in which he lived the most minute information, and also to see the instructions which had been sent down to the officials. He submitted those instructions to a friend who was more competent than himself to discuss the matter, and that gentleman had come to the opinion which he (Mr. Bright) had previously formed, that i was utterly impossible for human ingenuity to frame instructions more complete, comprehensive, and to the point, in every particular, than the instructions which were sent out by his right hon. Friend at the head of the Poor Law Board. Those instructions went down to the officers of the several parishes, townships, and boroughs throughout the kingdom. The House could not, however, be sure that all the men who made the Returns were of equal capacity or intelligence, and it was possible many mistakes were made. He was told that there was a very curious mistake from the borough represented by the right hon. President of the Board of Trade. It was quite possible that that might be so; but what he (Mr. Bright) complained of was that hon. Gentlemen opposite discussed the question as if the Government had intended to lay before the House unfair Returns. He did not think the hon. Member for Hertfordshire meant that, but he was sure the House would feel that in every discussion which had taken place upon that measure there had been rather a passionate disposition shown to lay a charge against the Government as if they wanted to conceal the actual number of voters that were about to be admitted to the franchise. With regard to the main question, he was disposed to agree with the Earl of Derby, who said—and he wished hon. Gentlemen opposite would act upon the noble Lord's advice a little oftener—that he was not afraid of numbers, and that what he wanted was the quality of voters. Whether the number was 200,000 or two millions was altogether indifferent to Lord Derby if the quality of the voters was satisfactory. ("Hear, hear," *from the Opposition.*) He was delighted to find such a general agreement upon that point. He wished to make one observation with regard to the £6 voters, whether according to those or any other returns, a house, to get upon the list, must have a £7 rental, because the amount of rate upon a £7 house should be so much—taking the borough rate, the church and poor rates, &c., into consideration—as to bring the holder of a £7 house down to £6, or even below £6; and the House would find that the vision which some hon. Members had of the extravagant number of persons to be enfranchised would turn out to be visions indeed. He believed it was utterly impossible even to collect a constituency at all approaching to the numbers which were stated in the Returns. He took the trouble, in the borough of

Rochdale, where he resided, and also with regard to Birmingham and Manchester and Salford, to make inquiries as to the accuracy of the Returns, and he found that there was no complaint whatever that they were inaccurate. There was another point in the Returns to which he would allude. The Government deducted 27½ per cent from the number in the Returns, and some friends of his in Manchester who were connected with a political reform association, not knowing in the slightest degree, any more than he did, what course the Government were taking in the matter, made some calculations based on the number of £10 electors which were produced by a certain number of £10 occupiers, and they came to the conclusion that, at least, 28 per cent was necessary to be deducted before the number of persons was obtained who were at all likely to have the franchise. It must also be borne in mind that all the causes which, above £10, diminished the number of electors as compared with occupiers, would have almost a redoubled force in the constituencies below £10 occupiers. He was therefore satisfied that the number of electors would be very much less than was feared by some hon. Members of that House, and, he was sorry to add, very much less than he wished.

Sir MINTO FARQUHAR said, he rose simply to state that so far from supposing the Returns were placed before the House by the Government in any unfair spirit, he actually said to the right hon. Baronet opposite that he only asked for information, and that he made his request in no hostile spirit.

Mr. HORSFALL said, that his information as to the operation of the noble Lord's Bill in Liverpool differed very much from that of his hon. Colleague. His hon. Friend stated that the whole constituency of Liverpool under the new Bill would not exceed 20,000. Now, the constituency at present numbered 18,700, and, adding the 3,000 or 4,000 new voters admitted by his hon. Friend to be enfranchised, the number, on his hon. Friend's own showing, would be more than 23,000. He estimated, on the contrary, that the whole number, with the additions under the present Bill, would exceed 30,000. The value of houses in Liverpool was such that the suffrage under the Bill would be really and truly a household suffrage.

Mr. KENDALL said, he had no doubt that this would prove an unpleasant question for the hon. Member for Birmingham. His attention was called to the subject in consequence of what had taken place in the other House in a discussion which took place there the other night—

Mr. SPEAKER said, that the hon. Gentleman must know perfectly well that he was incorrect in the course he was pursuing of alluding to what had taken place in the other House.

Mr. KENDALL apologized, and stated that from inquiries he had made, he was satisfied that these Returns contained great inaccuracies. Having heard that the question whether or not the gross estimated rental and the actual rental were the same, had been raised in "another place," he wrote to a gentleman in Bodmin for information as to the state of matters in that borough. The answer of his friend was that he had very carefully gone over the whole of the rate-book, and as he knew perfectly well the rental of all the houses in Bodmin, he was prepared to prove that there was a difference between the gross estimated rental and the actual rental, varying from 15 to 35 per cent; and, as an instance, he gave a house of his own, which was let for £37 10*s.*, while it stood on the rate-book for £28, and was rated at £21. He (Mr. Kendall) thought there could not be a stronger evidence than this that the gross estimated rental and the actual rental were two very different things. No one meant to insinuate that the Government, in giving these Returns, wished to mislead the House; but what they wanted to show was this—that the Government had no *data* before them on which they could construct their Bill. He was surprised to hear the right hon. Gentleman the Home Secretary refer, in proof of the accuracy of these Returns, to the auditors of the unions. Why, the fact was that the auditors of unions know nothing whatever about the matter.

Mr. BARROW said, he could not suffer the discussion to close without giving the house his personal knowledge on the matter. He had made inquiries on this subject from the overseers of a parish of moderate size, who told him that there were a number of houses in the parish not included in the Returns at all, because they were compounded for by the landlord as under £6, though the actual rental was above that sum. He was satisfied, therefore, that no dependence could be placed on those Returns. But he rose to suggest to the Government that they had gone to the wrong office for information on the

point, and that they might ascertain exactly what was the number of £6 rented houses throughout England if they had applied to the surveyors of taxes, who could call the assessors of taxes to their aid when they found it necessary. In that way the Government might have obtained accurate information, which was most material to them in the present measure, though he admitted the point was of no importance at all if they were to come to universal suffrage.

UNREPORTED CRIMINAL PROSECUTIONS.—QUESTION.

MR. MACKIE said, he would beg to ask the Secretary for the Home Department, or the Lord Advocate, upon what grounds instructions had been issued to the Queen's Remembrancer to limit the Allowances in Exchequer, under the head of "Unreported Criminal Prosecutions?"

SIR GEORGE LEWIS said, he was informed that, in the opinion of the Lord Advocates in the late and the present Government, it was desirable to introduce the change, in order to get rid of unnecessary expense.

THE REFORM BILL.—THE NEW VOTERS.—QUESTION.

MR. EDWIN JAMES said, that before he put the question, of which he had given notice, he wished, as his name had been mentioned in the somewhat interlocutory discussion which had taken place on the returns of householders, to say but one word. There had been a great deal of assertion on one side, and of counter assertion on the other; but the critical analysis, which was to be performed in "another place," would soon show who was in the right, and who was in the wrong. He desired to say that he had never himself impugned, nor had he heard any other hon. Member in the House do so, either the intention of the Government in procuring the Returns, or the accuracy of the figures in themselves. All he meant to express was, his opinion that the noble Lord, the Member for London, was inaccurate in stating that the Returns he laid on the Table would show an additional number of voters of 150,000 only. [Lord J. RUSSELL: 190,000.] He believed the noble Lord's statement was about 200,000 in round numbers. That was all the charge he made—that the noble Lord's statement was inaccurate. That point would probably soon be decided: and the sooner the better; for it was painful to find the hon. Members for Liverpool differing so widely as to the number of their future constituents—one saying it would be 21,000—the other 30,000. He rose, however, to ask the Secretary of State for Foreign Affairs, Whether it is the intention of Her Majesty's Government to introduce any measure to provide for the registration for this year of many persons who become entitled to vote in the event of the Representation of the People Bill being passed into law during the present Session of Parliament? This was a question of very considerable importance. As the Bill stood, it had no machinery whatever for the registration or revision of a new constituency. He was anxious to know whether that arose from an oversight on the part of the Government, which would be corrected by bringing in a Subsidiary Bill to supply the defect, or whether it had been intentionally done, and they meant to leave the law as it stood, without proposing any new measure on the subject. Assuming the Reform Bill to pass into law during the present Session, the Government could not hope that it would do so before the 20th of July. The system of registration, as at present provided for, commenced in July; and this being so, it would not include the new constituencies to be created under this Bill. The Reform Bill of 1832 received the Royal Assent on the 7th of June; and it prescribed, for the first time, the whole system of registration and revision. The operation began on the 20th of June; lists were made out; and all the new voters were placed on the register. The Reform Bill of last Session, introduced by the right hon. Gentleman the Member for Buckinghamshire, contained a series of elaborate clauses, most ably drawn, and conferring great credit on the lawyer who prepared them, regulating the system of registration, and also a provision, necessary to any Reform Bill, that in the event of the Bill passing into law, a new system of registration should be at once commenced. Unless the Government meant to introduce a subsidiary Bill, there would be a perfect chaos of confusion. The Bill of the right hon. Gentleman (Mr. Disraeli) provided that the registration should commence immediately after the new Bill passed. The present Bill made no such provision; but he inferred, from one of its clauses, that the Government did not in-

tend the new constituencies to be registered, or become voters, until 1862; and he would tell the House why. He hoped that this Bill, though a mere skeleton, would pass in the present Session: but if it did so it must be too late for the coming registration, county claims being made on the 20th of July, and borough claims on the 31st of August. As the law stood, the registration of the year 1860 would last until the 31st of December, 1861: therefore, in the event of the Bill passing, and being too late for the present year's registration, the register of the year 1860 would be the register of voters until the end of 1861; and assuming that an election occurred next year, the new constituent body would not be on the register at all. By the 20th section of the Bill the new voters were to remain, subject to the conditions at present affecting voters, and were to be entitled to be placed on the county and borough registers, on and after 1860. But the register of 1860 was in force for the whole of 1861; consequently those not registered in 1860 could not vote till 1862. This being the case, he wanted to know whether the Government contemplated a dissolution on the passing of this Bill; if so, they surely could not mean the election to take place on the old constituency. What a manifest injustice this would be, and what alarm and confusion it would excite in the country. He did not ask the Government whether they meant to dissolve on the passing of this Bill; that was a question of policy for themselves to decide; but circumstances might bring about a dissolution in the spring without the Government intending it. The Government were just then in the heyday of their popularity; but in the height of prosperity calamities might sometimes happen; and the Government might be wrecked suddenly—

> "Like ships that have gone down at sea,
> When heaven was all tranquillity."

A dissolution might take place in spite of them, and he hoped that the Government would state whether they meant to introduce a subsidiary Bill, or to rely on the law as it stood, by which the new constituency could have no votes till 1862.

Sir GEORGE LEWIS said, the Government were quite ready to go into Committee on the Reform Bill whenever it should please the House to read it the second time, but he did not think their debates on the Bill would be abridged by their proceeding then to discuss its clauses with respect either to registration or any other point. He trusted therefore that the hon. and learned Member would forgive him if he did not follow him through the somewhat long argument he had addressed to the House. He could only say that the clauses relating to registration which had been introduced into the Bill were not the result of oversight, but were deliberately considered by the Government, who thought they had a clear view of the effect which those clauses would have in the event of the Bill passing in time for the registration of the present year. The Bill of last year necessarily contained a number of elaborate clauses with respect to registration, because it introduced a number of new and peculiar franchises which could not have been dealt with under the existing law. But inasmuch as the present Bill merely proposed to extend existing franchises, and not to introduce any franchise of a new description, all the Government intended to do was simply to make the existing machinery for registration applicable to the extended franchises. The provisions of the Bill were quite adequate for that purpose; but if it should turn out that, owing to the lateness of the period at which the Bill might be passed, Amendments would be required in the clauses, he and his Colleagues would be glad to consider that question in the Committee. Before he sat down, he wished to refer briefly to a statement made by the right hon. Baronet the Member for Droitwich (Sir John Pakington), with respect to a gentleman who was employed in the first instance to collect electoral statistics. He was glad to find that it was the general opinion on both sides of the House that the Government acted with good faith and sincerity in seeking to obtain the Returns in question, with the view of guiding their own decision and ultimately the decision of the House. They were uncertain, when they began their inquiries last autumn, as to the best mode of obtaining the information. The mode which first occurred to them was that of employing certain persons, chiefly barristers, to make inquiries in a number of selected boroughs, in the hope that those boroughs might serve as specimens for the entire country. Mr. Vernon Harcourt was the first of the persons so employed. He visited two or three boroughs, but he reported to the Government that it was extremely difficult, without going through the rate-books, and submitting to an amount of drudgery which

barristers would not willingly incur, to obtain accurate results, and he added that, in his opinion, a partial inquiry into a limited number of selected boroughs would not be satisfactory. Thereupon the Government abandoned the mode of inquiry which they had adopted in the first instance, and determined to send instructions through the Poor Law Board to every borough in the kingdom. Mr. Vernon Harcourt had no connection with the second inquiry, but it was conducted entirely by the officers of the Poor Law, who received a small remuneration in order to insure greater accuracy. The Return on the table was obtained by the Poor Law Board. His impression, derived from all the information he had received on the subject, and confirmed by inquiries instituted for the purpose by the Poor Law Board, was that, in respect to boroughs, the column of gross estimated rental, as distinguished from the column containing the rateable value, represented on the whole with tolerable accuracy the rent paid by the tenant to the landlord. He was quite aware that in particular cases inaccuracy existed, but for legislative purposes it might be taken as an approximation sufficiently close to guide that House to a practical conclusion. It was clear that no statement of that kind could be strictly correct, and some discrepancies between the rent really paid and the gross estimated rental as entered in the rate-book must exist, though it was not likely that in any considerable number of cases a higher rental was entered in the rate-book than that actually paid. It might be presumed that, where there was a difference, it was something less than more than the real rent. Therefore, the error must undoubtedly be on the side of deficiency. The matter was one of fact, no doubt, and it was no imputation on the accuracy of the Returns if it should prove on inquiry that the gross estimated rental did not approximate closely to the real rental, for that was a question beyond the Return. If it could be shown that the belief of the Government on that point was wrong, he should be quite ready to admit, like the noble Lord the Member for King's Lynn, that he was in error. The Government had no particular object in the question except to ascertain the truth. A material circumstance, however, had been pointed out by the hon. Member the original author of the Assessment Act, that in the original estimates founded on these Returns credit had been given for everything between £10 and £6. If the hon. Member's arguments were correct it was clear that a large portion of those under £10 must in fact be existing voters; therefore, whatever was added from those between £6 and £5 must to a certain, if not to an equal, extent, be compensated by the deductions made for those between £10 and £9, or between £9 and £8, but as the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had remarked, there might probably be a greater tendency to undervalue in the lower than in the upper strata.

Sir HENRY WILLOUGHBY said, he should like to know if any application had been made to the Income Tax Commissioners relative to these Returns. He had heard of a case where the Commissioners had put 25 per cent on the gross estimated rental, and when remonstrated with, the reply was that the property of the parish was notoriously rated low to reduce the quota to be paid towards the county and highway rates.

Mr. BOVILL said, there could be no doubt the Government had done their best to obtain correct information; but he believed a mistake had been made in addressing the returns to the poor law auditors, men who practically knew nothing about the subject, instead of the magistrates at quarter sessions, or barristers who had been at quarter sessions, and who knew practically what the fact was. He was in a position to inform the House, on the authority of the town-clerk, that the gross estimated rental in Guildford was in every case below the actual value, but that the proportion in which that difference existed was anything but uniform; and the town-clerk added that he noticed, on inspecting the rate-book, that some houses were put down to the gross rental at little more than one-half of the actual rent, and he thought that from one-third to one-fourth was about the average difference between the gross estimated rental and the actual rental. Under all the circumstances it was evident that more accurate information should be obtained.

MILITIA OFFICERS (IRELAND).

OBSERVATIONS.

Colonel DICKSON said, he rose to call the attention of the Secretary of State for War to the hardship and inconvenience experienced by Militia officers, called out for training in Ireland in places where

there is no barrack accommodation, in not receiving lodging money where the troops were billeted. Militia officers in Ireland suffered under great disadvantages, and were charged most exorbitantly by the innkeepers upon whom they were quartered. He believed that very little good was derived from the mode in which the traing of those regiments was conducted. The men were billeted apart from the officers, whose control over them was thereby greatly impaired. Great sums were spent on the Militia, and the force had been entirely remodelled during the last seven years, but he ventured to say that they were in no better condition now than when they were first remodelled, because although certain regiments had been brought into discipline, as they were disembodied many men were lost and never returned. By a Return dated March 6 last, he found that the actual strength of the Militia was 23,735, while the number to which they ought to have amounted was 32,523; therefore, if required for immediate service, a deficiency of one-third would be found. When last taken the number of the disembodied force present was actually 44,340, there being absent 30,507, or very nearly the same number absent as those present. The whole system at present adopted for keeping up the Militia was wrong, and required remodelling, for it was a force that could never be depended upon. He was himself enlisting men every day who it was well known would be never seen again after they had received the bounty. Commanding officers were compelled to enlist such men because they were told they must keep regiments up to a certain strength. If they did not obey these orders letters were written demanding an explanation of the cause; but at the same time that they were enlisting the men they knew that the money paid was thrown away, it being in many cases used to enable the recipients to pay their expenses to America. What was the use of keeping a regiment 1,000 strong in a time of peace? When a Line regiment marched out it was hardly ever more than 500 strong, and why might not Militia regiments be kept at that standard until they were called out for service, when as many men as were wanted might be procured? This plan would save the bounties now paid to men who never came near when they were wanted. Then, again, calling out the Militia for twenty-one days' training was a perfect farce. It was true that at the end of twenty-one days they were able to march past and to go through a drawing room field-day with tolerable credit. But they were not converted into soldiers. There would be time, in the event of war, to make just as great an advance in drill and discipline before the services of the Militia were likely to be required. If, however, it was thought necessary to call them out, every regiment ought to have its fair turn. For the present state of our army the Secretary for War, as well as right hon. and gallant predecessor, deserved great credit. According to a Return just presented to Parliament, we had now under arms 226,304 men of all ranks, of whom there were in this country 94,454 regular troops and 19,333 Militia, who had been embodied for two years, and might be considered equal to any average regiment of the Line. Thus we had in England, including depôts of Indian regiments, no fewer than 113,787 effective soldiers fit for immediate service. That was a most creditable army to keep up for home service; but what an army would it not be if we had in the Militia a properly organized reserve which might be immediately called out if necessary! He hoped the right hon. Gentleman would take an early opportunity of devising some new scheme for placing the Militia on a proper footing, and meanwhile the junior officers ought to be recompensed for the delay and inconvenience to which they were exposed when called out.

THE CRIMEAN COLONELS.

QUESTION.

Colonel LINDSAY said, that, before putting the question of which he had given notice, he wished to remind the House that, pursuant to the recommendation of a Royal Commission appointed in the year 1854, to inquire into the existing system of promotion, a Royal Warrant was issued, whereby it was directed that lieutenant-colonels, who had served three years in that capacity in command of regiments, should be promoted to the rank of colonel. On the 28th of November, 1854, all lieutenant-colonels who had then completed three years in command, or on certain staffs, were promoted to the rank of colonel, and subsequently as each lieutenant-colonel completed three years in those capacities, he became a colonel, passing over the heads of those lieutenant-colonels who had not thus qualifi-

ed. In June, July, and November, 1855, twenty-three officers serving as lieutenant-colonels in the Crimea were promoted to the rank of full colonel for distinguished conduct before the enemy, and so intersected the lieutenant-colonels promoted under the new rule. In consequence, however, of the retrospective action of the Royal warrant in question upon those officers who had obtained the rank of lieutenant-colonel before June, 1854, and who had thus, by a rule passed after they had obtained the rank, been superseded by their juniors—some of them by as many as 200—another Commission was appointed in 1858 by General Peel, which recommended, for the purpose of remedying this injustice, that the whole of the lieutenant-colonels, who held that rank before June, 1854, should be ante-dated on the 28th of November, 1854, and that they should all be replaced in the relative positions they held as lieutenant-colonels, before the new rule was issued. But in doing this they unfortunately overlooked the claims of gallant officers who had done good service in the Crimea, inasmuch as there were several who, not having the rank of lieutenant-colonel at that time, had junior officers placed over their heads. He would call attention to some of the gallant officers who were thus affected by the warrant of 1858. Their names were familiar to them all. Gordon's battery and Chapman's battery before Sebastopol were well known to every Englishman. These were two of the officers who were affected by the warrant of 1858. There was also his gallant Friend the Member for Ludlow (Colonel P. Herbert); the result being that those officers gained no advantage by the rewards which Her Majesty had been pleased to bestow on them. By the warrant of 1858, 136 officers of the army and ordnance were placed over the head of Colonel Gordon, and 122 officers were placed over the head of Colonel Chapman. That in effect amounted to a deprivation of five or six years' service in their approximation to the rank of general officer; and if the old system of brevet continued those officers would have been in a higher position than they occupy at present. In conclusion, he would beg to ask the right hon. Gentleman the Secretary of State for War, if it is his intention to recommend Her Majesty to reinstate the officers who were promoted to the rank of colonel for distinguished service in the Crimea, in an approximate numerical position to that which they attained when they were first promoted to that rank, and of which they had been deprived by their claims being overlooked when a revision of the lists took place, on the recommendation of the Royal Commission of 1858?

THE 67TH REGIMENT.

QUESTION.

COLONEL NORTH said, he rose to ask the Secretary of State for India, if there is any truth in the report that the Wives and Families of the Soldiers of the 67th Regiment, who were sent out to India to join their Husbands, have been ordered, on their arrival in India, to be sent back to England. He (Colonel North) hoped that this report was not true; but if it was true, he felt assured that his right hon. Friend (Mr. Sidney Herbert) must have had some strong reasons for giving those orders.

MR. SIDNEY HERBERT said, that in answer to the question of the hon. and gallant Officer who had just spoken, he had to state it was true that when it was understood that the 67th was to be one of the regiments to go to China, orders had been given to send back the women and children as a matter of course. Afterwards it was found that the 67th was not to be one of the regiments for the Chinese expedition, but was to return to England, and then a telegram was sent out to India countermanding the previous order. He trusted that that telegram reached India in time to prevent the embarkation of the women and children, but the authorities there, knowing that the regiment in question was coming to England, would no doubt have exercised their own discretion in the matter, as they had the power to do, in not sending the women and children back.

With regard to the question of the hon. and gallant Member for Wigan (Colonel Lindsay) who had stated the case of the officers referred to very fairly, the recommendation of the Commissioners was of course a general one, based upon simple principles, and could not have been made with reference to special cases. The officers referred to by the hon. and gallant Officer were no doubt gallant and distinguished members of the service; but whatever the effect of the rule in their particular case (and upon that he need not state his own private opinion to the hon. and gallant Member, who knew all the circum-

stances), to place them in any numerical position equivalent to that they held before would have rendered it necessary to antedate two commissions, a step which would have occasioned considerable military inconvenience, and was contrary to the rules of the service. If any plan could be devised by which the parties could be placed in the same relative position which they would but for the rule have enjoyed, free from such inconvenience, he should be happy to consider it with a view to its adoption.

Upon the subject of the militia organization, he differed from the hon. and gallant Member (Colonel Dickson) who had put a question to him. One thing had been done. Circulars were issued, and the Adjutant received regular pay in order to prevent, as far as possible, any men from entering the Militia whose residences were not known and whose characters were not approved. He did not deny the existence of the grievance to which the hon. and gallant Officer had called attention as regarded the militia officers serving in Ireland, and in some instances a good deal of hardship. The recommendation of the Militia Commission was that where the soldiers were billeted the officers should receive lodging money provided the colonel recommended it, and reported that the quarters allotted were inconvenient. The only reason why that recommendation had not been acted upon was the expense it would entail. The cost of the military establishments this year was so large that he had been compelled to make reductions in directions where, under other circumstances, he should not have done so.

INDIAN CADETS IN EGYPT.—REPLY.

Sir CHARLES WOOD said, he rose to reply to a question put by the hon. Member for Herefordshire (Mr. Mildmay) at an earlier period of the evening. The hon. Gentleman had asked whether there was any truth in the statements that had been published respecting transactions which were alleged to have taken place at Cairo. He had received a Report from the Consul General of Egypt announcing an outrage of the grossest possible character. The right hon. Baronet read an extract from the Report of the Consul, stating that a party of from twenty-five to thirty persons, including two ladies, visited the Great Mosque, and, not content with being permitted to enter, sought to intrude upon the space set apart for the family of the Viceroy, and when there conducted themselves with great impropriety, ridiculing and mocking the genuflections of the worshippers. Nothing could exceed the kind and proper conduct of the Viceroy. He sent remonstrances, and when those were found to be unavailing a body of cavasses surrounded the offenders, not only to remove them from the Mosque, but also to protect them from the anger of a justly irritated crowd. The Consul, on receiving intelligence of the affair, called the next day upon the officers of the Mosque and offered them an apology, which they received very kindly. By that time the passengers had gone on by railway, and he had no certain information as to who were the parties. The Consul did not report that any of them were officers in the Indian service, but it might be inferred from some expression in the Report that such was the case. The noble Lord the Foreign Secretary had submitted the account to him (Sir C. Wood), and he sent out directions by the last mail that the senior officers who arrived by that steamer should be called upon to report the circumstances of the affair, and the names of those persons in the Indian service if any, who were engaged in it. Those directions had been sent to Madras and Calcutta, and would be sent to Bombay by the next mail. With respect to the future, he might say that the Consul in Egypt had been instructed, in case of a similar occurrence, to act upon the powers he possessed, and to arrest upon the spot every British subject that might be guilty of such conduct.

Colonel SYKES asked whether the right hon. Baronet had previously received any unfavourable account of the conduct of Indian officers?

Sir CHARLES WOOD said, he had intended to add that he should be very sorry to have it supposed that such conduct was habitual among Indian officers, and in respect to this case he hoped the House would suspend its judgment on the individuals until the details were known.

THE NEUTRALIZED PROVINCES OF SAVOY.—QUESTION.

Mr. DARBY GRIFFITH said, pursuant to notice, he rose to ask the Secretary of State for Foreign Affairs, Whether, as stated lately in the public prints, M. Thouvenel has informed the representatives of those

powers who signed the Treaties of Vienna, that, as soon as the cession of Savoy shall have been sanctioned by the "universal suffrage of the inhabitants," and ratified by the vote of the Sardinian Parliament, France will take possession of those provinces, submitting only subsequently a limited part of the question to the consideration of the proposed Conference; and, if so, whether the Secretary of State intends to consent to the taking possession by France of the neutralized provinces of Savoy, until a Conference or Congress, or other joint diplomatic action, shall have previously determined on the whole question, of the manner in which due consideration for the independence of Switzerland, requires that the provinces placed in a state of peculiar and exceptionable neutralization by repeated Treaties, shall be ultimately disposed of. The subject of the annexation had arrived at a stage when he apprehended negotiation was almost illusory, and might was about to take the place of right. As far as could be learnt from the public sources of information, the French Emperor was about to take absolute possession of the neutralized provinces of Savoy; and, that done, he would then graciously condescend to submit for discussion to the proposed Conference some secondary matter, which would not at all affect the question of the disposal of those provinces. He disclaimed any intention to impute blame in the matter to the noble Lord the Secretary for Foreign Affairs or to the Government; but he must say it appeared to him that the expectations in connection with it which the noble Lord had held out to the House had, up to this point, in every respect, been disappointed. Notwithstanding that all along the House had shown a disposition to place confidence in the noble Lord in dealing with the question, the hopes in which he had indulged from time to time as to a satisfactory settlement of it remained entirely unfulfilled. He by no means underrated the difficulties by which the question was surrounded, but as the efforts of the Government appeared to have very little force, he thought those efforts should be supported by an expression of opinion on the part of Members of the House generally. The despatches of the noble Lord asserted the true principle of the neutrality of Savoy, as settled by the Treaty of 1815 and the necessity of securing the independence of Switzerland as against France, by transferring to Switzerland the provinces comprised in that neutralization; but it appeared that while he had been negotiating and writing despatches, the Emperor of the French had been acting, and had turned a deaf ear to all the noble Lord's remonstrances. If they considered the illusory and unfair manner in which the subject of the annexation had been put to the popular vote, it was not to be wondered at that in the larger towns of the country, where French *cafés* and gambling-houses abounded, such as Chambéri and Annecy, the valleys of which inclined towards the French territory, the inhabitants might be favourable to a union with France. He did not, however, believe that such was the feeling of the inhabitants generally. If the two valleys of the rivers Dranse and Arve running down to the Lake of Geneva were to be taken possession of by France, the aggression could not be too much reprobated. France was entering on a course that would lead it to the Lake of Geneva, and, if it once got there, that lake would be covered by French gunboats in less than three months, and Geneva would be cut off from the rest of Switzerland. If our alliance with France was worth anything, it should be an alliance that would give us influence with France on such questions as these; but, if it meant nothing more than submission to that Power, we were better without the alliance. There had been joint expeditions with France against China and other places; but if such expeditions are made use of by France only as a school for her navy, and as a means of learning our naval tactics, the fewer we have of them the better. He had been struck with an observation made in the Prussian Chambers, by the deputy for the city of Berlin, when speaking of the position of Prussia and the other European Powers with reference to the Savoy question. After referring to Russia as engaged at home, and Austria as meditating vengeance on Italy, perhaps on Germany, he said England had almost made up her mind to sell her birthright for a mess of pottage in the shape of a treaty of commerce. He (Mr. Griffith) was very far from objecting to the most complete realization of free trade between ourselves and France, but it should not be purchased at the price of our complete independence on matters of the general policy of Europe. If this question was to be redeemed from the sphere of excellently written despatches, and debates in that House, England must take a higher stand than she had hitherto done, other-

wise she would become a mockery to every country in Europe.

MR. SEYMOUR FITZGERALD said, it appeared to him that the question of the hon. Gentleman was far too important an one to be discussed in an incidental or desultory manner. But there was one other question which, perhaps, the noble Lord would be kind enough to give the House information upon. He should be glad to know whether the House was to understand that it was finally arranged that this question was to be referred to a Conference of the Great Powers; and, if that were so, whether it was arranged what Powers were to be parties to the Conference; and, further, whether the information received was correct, that France had made a proposition to the effect that the question to be referred to the Conference should relate only to what means should be adopted to secure the neutralization of particular provinces in Savoy for the future, and that question should be raised by the Conference that might lead to what the French Minister called the dismemberment of Savoy. He wished to know whether any other propositions were to be submitted to the Conference. He begged to remind the noble Lord that he had asked him a few evenings ago a question which he was then unable to answer. He hoped that the noble Lord would be kind enough to give him now an answer to that question also.

THE ENGLISH GRAVES AT SEBASTOPOL.—QUESTION.

CAPTAIN ANNESLEY said, that before the noble Lord the Foreign Secretary rose to reply, he wished to bring a matter under his notice, for which he was sure he would receive the indulgence of the House. He meant the disgraceful condition of the graves of those British soldiers who had fallen at Sebastopol. On this subject a letter from an Englishman had appeared in *The Times* of that day, which he would take the liberty to read to the House. The letter said:—

"Being on a short visit to this place, and feeling very desirous to see the last resting-places of our fallen countrymen, I called on Lieutenant-Colonel Gowen (American contractor with the Russian Government for raising the sunken ships in the harbour) for some information—he being the only person who knew their relative positions—who very kindly offered to accompany me. Our first visit was to Cathcart's Hill, where we found the beautiful large black marble cover on the tomb of Sir Robert Lydstone Newman, Captain of Grenadier Guards, had been removed by some sacrilegious hands, doubtless seeking for jewellery or other articles of value. We endeavoured to replace the cover in its proper position, but were unable to move it. Colonel Gowen proposed having it replaced in a few days. We also found the hinges on the gates partly hacked off, evidently for the paltry value of the copper. I also learned from Colonel Gowen that there had been previously a number of shot and shell placed over and around several of the graves by relatives and friends who had visited the spot; these, together with the large shot surmounting the corners of the wall enclosing the cemetery, and on each side of the gate, are now all gone. We next visited the Artillery graveyard, and discovered that they had also disturbed the tablet from the tomb of Captain W. K. Allix, Aide-de-Camp to General Sir De Lacy Evans. The walls around this cemetery were sadly broken down. We then proceeded to the graveyard of the Naval Brigade, where a ghastly sight presented itself. We found the slabs that covered the grave of Commander Lacon Usser Hammett, of Her Majesty's ship *Albion*, had been turned over and the remains of that lamented officer entirely exhumed, the bones as well as some remaining portions of the uniform being scattered around the grave, which evidently had been opened only a few days before. It was truly a heart-sickening spectacle to behold the last mortal remains of this brave officer lie bleaching in the sun. Colonel Gowen assured me that on the following Sunday he would have the remains carefully restored to their former peaceful state. We then visited several other graveyards, and found them more or less in a very dilapidated state—the walls broken down in many places, and in some instances so much so that even the cattle have been found grazing within the enclosures. Notwithstanding, however, the mutilated and neglected state of many of the graves of those brave men who fell in the Crimea, still the sincerest thanks of every true Englishman are due to Colonel Gowen for the truly Christian and sympathizing interest he has so disinterestedly taken in having, entirely at his own expense and trouble, already repaired and restored many of the English graves and cemeteries, as well as several of the French and Sardinian, and preserved them from violation and decay. It is sincerely to be hoped that our Government will take such speedy and necessary measures for putting our graveyards in a proper state of repair as to preserve from oblivion the last resting places of so many brave men who fell during the Crimean campaign."

His object was to elicit the opinion of the Government on this subject, and to inquire whether there were any objections to make a diplomatic representation to the Russian Government. If there were, perhaps the Government would think it right to issue instructions to the nearest consular agent, who was, he believed, our Consul at Odessa, to make periodical visits to the cemeteries at Sebastopol, in order to protect the remains of our gallant countrymen from desecration.

LORD JOHN RUSSELL: Sir, I quite agree with the hon. Member for Horsham

(Mr. S. FitzGerald) that this question of Savoy, and the neutralized parts of Savoy, is too important a matter to be discussed in the incidental manner in which it has been brought forward this evening. I shall therefore not refer to the statements I have made at various times to the House, only saying that they were founded at the time upon the declarations which were made by foreign Governments, or upon the despatches which I have received from Her Majesty's Ministers abroad. With regard to the immediate question, and which the hon. Gentleman opposite and the House regard with considerable interest, as to what is to be done now in regard to that part of the subject which remains open for consideration, namely, the neutralized parts of Savoy, I wish to give to the House such information as I can, but it is very far from being complete. It is proposed that there should be a Conference of the Powers of Europe who signed the treaty of Vienna on a particular subject, and that subject is, as it is stated by the French Government, to reconcile the 92nd Article of the treaty of Vienna, to which all the Powers of Europe who signed that treaty are parties, with the second Article of the treaty of Turin, which has lately been concluded between the Emperor of the French and the King of Sardinia. I do not believe that the French Government wish either to go any further in the way of stating what other questions are to be considered or to place any further restrictions on the questions to be discussed at that Conference. I do not certainly apprehend that the French Government mean to impose such a restriction as the hon. Gentleman seems to suppose. At the same time, from communications I have received, and from the declarations which the Emperor of the French has made from time to time, I conceive that to any measures that may be properly called the dismemberment of Savoy, we should find in the Conference that the French Government would be decidedly opposed; but it is obvious that there may be other measures which would not amount to dismemberment, but which would yet give a military frontier to Switzerland, which might be proposed by Switzerland. However, when Switzerland has made such proposal will be the time for Her Majesty's Government and the other Powers to consider it. With respect to the parties to the Conference, they are, as I have stated, the eight Powers who were parties to the treaty of Vienna, and I believe there is no doubt that all these Powers will agree that Switzerland should be likewise represented at that Conference. With regard to Sardinia, there is some discussion still going on, and likewise as to the question in what manner Switzerland and Savoy are to appear at the Conference. The Conference in London in 1831-2 is cited as affording a precedent. According to that precedent, the parties not comprehended among those who signed the treaty of Vienna may appear at the Conference, either always, or only on certain occasions. That is a matter which, as I have stated, is under discussion. The time of the meeting of the Conference has been likewise a matter of discussion, but the French Government state on that subject that they consider a Conference cannot be properly assembled until the treaty of Turin is complete. That treaty of Turin is not complete until the Assembly of Turin shall have given their assent to the treaty. The King of Sardinia has no doubt given his assent to the treaty, but it is a part of the constitution of Sardinia that no cession of territory shall be valid until the treaty giving it is confirmed by the Votes of the Parliament of Sardinia. The French Government say that, supposing the Vote of the Parliament of Piedmont should not be in favour of the cession, and should be against the ratification of the treaty, there would then be nothing for the Powers of Europe to deliberate upon, and therefore they cannot be called together until that vote has been come to. It is understood that the Parliament of Piedmont is to consider the question about the first week in May, or the first ten days in May, and it is proposed that the Conference should meet after that time. Then there comes the question to which the hon. Member for Horsham called my attention the other evening, and to which we attach, as he does, considerable importance—namely, what shall be the state of possession of the neutralized portions of Savoy after the treaty has been confirmed, supposing it to be confirmed at Turin, and before the Conference has met? We have stated more than once at Paris, and Earl Cowley has stated it even since his return to Paris, that, in our opinion, it is most desirable that no civil or military occupation by France should take place until the Conference has considered this question of the neutralized parts of Savoy, and under what restrictions those neutralized portions shall be hereafter held, and in what manner they shall be disposed of. The French

Government, however, I must say, on the other side, state that they see great difficulty in assenting to such a proposition, because it would seem to assume that the Treaty of Turin did not perfectly do what it purported to do—namely, transfer the whole sovereignty of Savoy from the King of Sardinia, its late or present Sovereign, to the Emperor of the French. They therefore raise this difficulty, without laying any stress, however, upon the practical objections to any other course. With regard to any practical result, they say that Her Majesty's Government may be assured that there will be no precipitation in taking possession of that territory, but that there must be some authority, and that the territory cannot be left without some authority during the Conference. That discussion between the two Governments is not yet concluded. It still appears to me, I must confess, that it would be more satisfactory that some arrangement should be come to by which the whole of that territory should not be in the possession of the French authorities during the time of the Conference, because, as from the complication of documents there arises every day questions of wounded pride or injured honour, it is desirable that the French authorities should not be required to withdraw from any portion of the territory of which they are in actual possession. This is a matter like other matters which depends very much on the opinion of the different Powers in Europe. I believe that the Government of Prussia takes the same view as we do on this subject. With regard to the other Powers, we have had communications on this particular point, and I can only say that it is not at present decided. I will not go further into this subject at present. I have only wished to give such information as I am able, and I do not think the question is one for discussion at the present moment.

With regard to the cemeteries of Sebastopol, I am sorry to say that I am afraid the statement of the hon. Gentleman is in conformity with the truth, since it agrees in every respect with the statements we have received. We have given such directions as we think may prevent any further continuance of such shocking outrages upon the feelings of this country and the relatives of the great and gallant men who are buried there; and I have desired Her Majesty's Minister at St. Petersburg to remonstrate in very strong terms with the Russian Government on the subject.

DEPORTATION OF IRISH PAUPERS.

OBSERVATIONS.

MR. POLLARD-URQUHART said, he rose to call the attention of the President of the Poor Law Board to the circumstances attending the deportation of an aged Female Pauper from Liverpool to Dublin on the night of the third April, 1860. The poor woman to whom he referred had been 52 years in England, and had for 29 years been the wife of an Englishman, yet the moment circumstances obliged her to seek workhouse relief she was shipped by the union authorities at Liverpool for Dublin on a very inclement night. He did not blame any one, for the Liverpool authorities had only acted in conformity with the law, but the cause of humanity required that the right hon. Gentleman should turn his attention to the present very unsatisfactory state of the law of settlement. He was aware that the rules of the House would prevent the right hon. Gentleman from replying to him on the present occasion, but he sincerely hoped that the right hon. Gentleman would not lose sight of so momentous a question.

MR. VANCE said, that as one of the representatives of the city of Dublin, he could bear testimony to the accuracy of the facts stated by the hon. Gentleman who had just addressed the House. The case was not an exceptional one; for poor people who had spent their lives in honest industry in England were landed in shoals at the port of Dublin, and the burden of giving them relief fell upon the union in which the quay on which they were landed was situated. It was, he thought, not a matter with which a private Member ought to deal, and he trusted the Government would before long turn their attention to an improvement of the law on the subject.

MR. CARDWELL said, there could be no doubt of the hardship of the case, both as to the poor persons who were subject to removal, and also to the unions, on whom the burden of receiving them was chiefly placed. As to the particular case referred to, however, the hon. Member for Liverpool had requested him to say that he had received a statement to the effect that between the 1st and 8th of April no person was sent from that port answering to the description of an aged woman. He had himself been constantly in communication on this subject with the Poor Law

authorities and others, and no one, he was certain, was more sensible of the hardship of the existing law than those who directed the machinery of the Poor Law in Ireland. His right hon. Friend the President of the Poor Law Board had already communicated to the House his intention of moving for the renewal of the Committee to consider two important questions connected with this subject—first, the propriety of reducing from five to three years the period of residence necessary to acquire the privilege of irremovability; and second, the propriety of extending the area of residence for the same purpose from the parish to the union. His right hon. Friend would soon move for that Committee, and hoped on the termination of the inquiry, which would be of short duration, to be prepared with a measure on the subject. He agreed with the hon. Gentleman opposite, that the removal of a grievance of this kind was the proper function of the Government. Former Governments had not been unmindful of that duty, but had been unsuccessful in their efforts to remedy the evil. He hoped, however, that his right hon. Friend would be more fortunate.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

CHURCH RATES ABOLITION BILL.

THIRD READING.—ADJOURNED DEBATE.

SECOND NIGHT.

Order read, for resuming Adjourned Debate on Question [19th April], "That the Bill be now read the third time."

Question again proposed.

Debate *resumed.*

MR. WHITESIDE: The hon. Baronet is entitled to a fair consideration of his measure this evening, and I do not wish that we should take leave of it for the Session without a parting word. I say for the Session, because, although the hon. Baronet has pursued this Question with industry and zeal, it has been with varied success. As far as I can understand the speeches of the hon. Baronet on this subject, which I have had the good fortune to hear him deliver in this House for some years past, he entertains the belief that there is some great practical grievance connected with church rates pressing on a large class of Her Majesty's subjects of which it his duty to obtain the redress. While we have a Reform Bill, a Budget, a Commercial Treaty before us, the hon. Baronet concentrates his energies upon a measure that is to strip his countrymen, in a Christian nation, of the power of imposing on themselves, if they should think fit, an assessment for the support of the fabric of the Church, devoted to the religion of the State. I have sometimes been disposed to ask the hon. Baronet at what period of our history did this injustice first arise? By what Sovereign, in a reign of ignorance and darkness, was the law enacted? By what Parliament was it passed? I find that the establishment of this right was not the act of King, Parliament, or even Bishop, but that it owes its existence to and springs from the common law of England. And what is the common law of England—for no country but England possesses such a blessing? If you asked any other European nation what was the law, they show you their code in a little red book that might be bought for half-a-crown, but might be dear at 6*d.*, as the laws it contained rest on the will of a despot who may abolish them by a word. But the common law of England has existed from time immemorial. It is the result of the wishes, the interests, the hopes, desires, and deepest convictions of the people. Such I understand and believe to be the origin of this rate. What is it? Not, as it has been described by the hon. Baronet, a tax that exists, and which he seeks to take away; but a power that certain persons, being the majority of a parish, possess, in conformity with the principle on which the whole constitution rests, to affirm a church rate that can be assessed on those who are summoned to attend and do not choose to do so. A petition in favour of the abolition of the rate has been presented by an active body, called a Society for Liberating the Church from State Control. This Society has been well advised outside the walls of this House. It has presented an elaborate statement by way of petition in which the church rate is represented as an ecclesiastical extortion, which could never be recovered before the common law courts, or by any common law process known in this country. That is very ingeniously put forward, and for a certain purpose. The society thinks it can appeal to those who are called—sometimes very erroneously—the friends of religious liberty. Here is a tax, imposed only by ecclesiastical power, that to certain classes is a grievance, and ought to be removed. Those views are

put forward also in *The Liberator*, a paper devoted to the Liberal purpose of abolishing the Church of England. The other House of Parliament has instituted a very interesting inquiry into the subject of church rates, and one of the questions investigated by that Committee is the very one on which, in a great measure, the advocate of this Bill rests his case. Two witnesses were called before that Committee, to whose evidence I would ask the hon. Baronet's attention, because I believe him to be a candid man, and, though he has brought forward this Bill repeatedly, he says he is a Friend of the Church. I can hardly believe, after he has examined the question with the care and caution that become every man who seeks to overset a law and custom that have existed for ages, he will not be convinced, withdraw his Bill, and leave the Church of England where he found it. The two witnesses examined were Mr. Toulmin Smith and Dr. Lushington. The last is one of the most eminent persons in the country, and was long an ornament to the Liberal party in this House. When I read the evidence of Mr. Toulmin Smith I concluded he had been put forward as a strong orthodox Episcopalian witness; but to my great surprise, I found that this learned and candid person is a Dissenter. I beg to acknowledge my obligation to him; I have been instructed by his learning, and he has convinced me that moderation, justice, and fairness may exist in the Dissenting body. I believe he is a religious, not a political Dissenter. But though a Dissenter, he has devoted his time and attention to ascertaining in what source this power of imposing a church rate took its rise. He differs in some respects from Dr. Lushington, but, substantially, scarcely at all. The main difference is that Dr. Lushington traces the rate up to Saxon times; Mr. Toulmin Smith thinks it less by ten years than 500 years old. He states that in 1350, 1376, and 1379, it was shown by the statutes and rolls of Parliament that complaints were made of endowments devoted to the church fabrics being diverted from their purpose, and as a consequence the churches were in ruin. In the old year books he found that in 1370 "a suit was brought against one A. touching goods taken by way of distress for a rate." A. avowed the taking, for there had been a meeting of the parishioners of the church of E. to repair defects in their church, and because there was a defect in the roof they made a tax upon themselves of the sum of £10 to repair the defects. What did this prove to any candid man? That nearly 500 years ago, it was an ancient custom for the parishioners to be summoned together, and for those parishioners, when assembled, to impose a rate, which rate was levied from even a reluctant parishioner, who was bound to pay it. Mr. Toulmin Smith observes that this case was a very important one with reference to one objection—namely, that based on the supposition that church rates could be levied only through the Ecclesiastical Courts. This opinion he pronounces to be "a complete mistake." It is, perhaps, true that in modern times there have been some encroachments, and that the Ecclesiastical Courts have got possession of the means of enforcing the rate; but that does not disestablish that for which I contend—namely, that church rates took their root in the common law of England, and were capable of being enforced by the principles of common law. The learned Gentleman proceeds to say that the parish had a right to bind the parishioners for other purposes connected with the parish just as effectually as if a rate were made for the purpose. The answers of Dr. Lushington are full of kindness, courtesy, and good feeling towards the Church of England. He will not resign his privileges as a member of that Church; he does not wish to be exempted from the payment of the rate; he has satisfied himself of its legality and justice; he has proved its antiquity, as springing from the old common law of the country; and I cannot conceive a piece of testimony more interesting, or that commends itself more to the impartial consideration of the Legislature. Some person has said that, except by vote, the parishioners could not apply the church rate to any other purpose than the repair and maintenance of the church fabric and the preservation of the churchyard. But that question has been investigated by Mr. Toulmin Smith, who says that, if the parishioners have notice of the purpose to which the rate is to be applied, and, knowing it, approve its application in that manner, the proceeding is as good and valid as if a rate were specifically raised for repairing the roof of a church. Dr. Lushington, in his evidence, says he has no doubt whatever this privilege arose in Saxon times. I stop at that word "Saxon," because I think it has a great bearing on the

argument. Those who laid the foundation of our liberties, of the constitution under which we live, and of our common law, had no notion of the existence of a State without having in every district a church that might be suitable, in which the nation acknowledged the God that conferred such blessings on it. They had no idea how a nation was to be governed and to prosper if the men who enjoyed the fruits of the earth were not to have a building in which to give their Creator thanks for the blessings he showered on them. But, if they were to have a national worship, it was also necessary that they should have a fabric in which to render it, and therefore it followed that they got power to make assessments which were to be applied to the sustentation of that fabric. Dr. Lushington says the Saxons decided in ancient times by the vote of the majority, and all that the minorities could do was to submit and to turn themselves as speedily as they could into majorities, which is sometimes a difficult matter. I do not see any difference between a member of the minority in old times refusing to pay the rate, and a Quaker who refuses to pay taxes in time of war. In fact, it would be much more reasonable for a man conscientiously opposed to war to refuse to contribute than it would have been for any well-regulated mind to refuse to pay his penny in the pound in support of the old parish church. Dr. Lushington explains the case referred to so much of late, and shows the error of the decision had its origin in the neglect of the law of the majority, for the churchwardens having only the minority to support them failed in their attempt. Consequently the decision of the House of Lords affirming that the majority only can bind the minority has only brought the matter back to the rule laid down by the old common law. The hon. Baronet says the church rates have ceased to be collected in many parishes; that is a matter to be regretted; but he follows that up in the preamble by saying that they should not be collected in any place. I confess I do not perceive the sequence of the conclusion to the premises in that argument. Because it is not paid in some parishes it does not follow that it should be refused in all. It may be said that the progress of enlightenment, of reason, and of liberality has a tendency to change all those old ideas. Listen to the opinion of one who has written many things with which I do not agree—and I only quote a writer where his sentiments agree with my own—but whose name will possibly carry weight with some. Mr. Cobbett, writing of the prosperity of England, and of one of its most flourishing counties, says,—

> "Suffolk is the crack county of England; it is I think the best, the most carefully, and the most skilfully cultivated piece of land of the same size in the whole world. Labourers are most active in the culture of the land; the farmers' wives and women employed in agriculture are as frugal, adroit, and cleanly as any in the world. They are a most frank, industrious, and virtuous people"—[we really ought all to settle in Suffolk]—"and their houses are models of cleanliness, neatness, and good order."

Then Mr. Cobbett puts the practical question—what is the reason of all this? The reason is this:—

> "There is a parish church in every three square miles or less, and the district is divided into such numerous parishes that the persons residing in it may be said to be constantly under the eye of the resident parochial minister."

I want to know whether, in proceeding against church rates the right hon. Baronet intends to subvert the parochial system. We must understand the steps of this social revolution, which comes in a new light before us since the evidence given before the Committee of the House of Lords. Does he intend that, the parochial system being upset, we shall have the country divided into districts in which roving clergymen shall get together congregations wherever they may find persons willing to attend to them? I confess that I have been puzzled to understand the meaning of this Bill. When were church rates first complained of? By the old Dissenters, who differed, I deeply lament, from the Church on religious grounds? Never! I could quote authority after authority among eminent Dissenters, all showing that the Dissenters as a body were in favour of maintaining the Church, from which, on certain grounds of conscience, they did dissent; but they were too candid, too learned, and too just, to invent a pretended scruple of conscience in order to carry out a deep political design. Their Lordships seem not to have understood the character of some of the men whom they were dealing with, and to whom they gave credit for liberal and enlightened views. These witnesses said, "We desire to think as we like." Good; but they added to that, "We desire to make every other man think as we like also." They were asked, "Supposing we abolish church rates altogether from Dissenting congregations, will you be satisfied?" "Certainly not," was the reply,

"because, though you prevent Churchmen from imposing payment on Dissenters, you would still give to Churchmen the power of making rates on Churchmen, which we cannot submit to." But when did these objections commence? Certainly not with John Wesley. I am not going to trouble the House with statistics. I think for the last twenty years we have suffered under a load of statistics. The Wesleyans constitute half the orthodox Dissenters in England, but no man will now be justified in saying that the Wesleyans as a body have taken up this movement against the Church. Such an allegation has been put an end to by the testimony of Mr. Bunting —a name that ought never to be mentioned without respect—and the Rev. Mr. Osborne. Mr. Bunting was examined before the Committee of the House of Lords, and the evidence which he gave is of the most valuable character. He confirmed entirely the evidence of Mr. Osborne, an eminent member of the Wesleyans, as to the favourable light in which that body regards church rates and the Established Church, and the very small number of persons belonging to the body who had ever objected to the rate or refused to pay it. As to anything like concentrated action against the rate, he states in his evidence that if it were attempted seriously it would meet with resolute opposition, and probably imperil the unity of the body. During the agitation which took place in 1857 against the rate, Mr. Bunting states that a minister of the connection, of considerable influence in the body, wrote a letter against church rates and circulated it, but his conduct was noticed at the ensuing Conference, and a vote of censure passed on all such proceedings. In Mr. Bunting's opinion, judging from the tone of the discussions in Parliament and of the public press, there is considerable misapprehension existing as to the number of Nonconformists who entertain any conscientious objections to pay the rates. The opposition, he told the Committee, proceeds principally from three bodies—the Baptists, the Independents, and the various sects of Methodists who have seceded from the original body; but they are a minority of the whole Nonconformist body, and even among them the number of opponents to the rate is comparatively small. This shows that Parliament has mistaken noise and bluster for something substantial and real. It turns out, according to the testimony of these good and excellent men, that a large majority do not object to church rates. The reason why the Wesleyans look with favour on the rate, according to Mr. Bunting, is, that they would be sorry to see any injury done to a great religious agency. To use his own words—

> "There is a general feeling that the Church of England is a power of essential importance to the religion of the country, and increasingly so, and we should be sorry to destroy anything in which there was a blessing."

The whole tenour of this gentleman's evidence proves that the influential community to which he belongs would be unwilling to strike a blow at the Church of England. He acknowledges most frankly that the Church of England is the only Church which makes any permanent religious provision for the poor. The tests of Christianity were, I may remind the House, that the blind saw, the deaf heard, the leper was cleansed, and even the dead raised; but the climax of the whole was, "that the poor had the Gospel preached to them." Again, when questioned by the Archbishop of Canterbury, whether the Dissenting body generally sufficiently provided for the maintenance of religion in the rural districts, and the less populous parts of the country, Mr. Bunting replied—

> "Certainly not. I think all experience is against that. I am glad to say that the Wesleyan Methodists do all in their power; but it is impossible for us to provide for populations as the Church of England can do. I should extend that observation also to large towns. I think that portions of large towns will never be provided for except by the parochial system. Dissenters never have done this; and I think there are insuperable difficulties in the way of their doing it."

Then he was asked when the last church rate contest took place in Manchester. He replied:—

> "About two years ago. It was a serious contest, and the powers of both sides were put to the test. The Methodists, generally, supported the rate; and the result was a majority for the church rate. I am inclined," he added, "to think that church rates have failed from neglect rather than anything else. If Manchester were now polled," [and this raises Manchester vastly in my estimation] "I think, the Church having exerted itself there so much of late, that the result would be in favour of church rates."

And why was this? Because an active minister of religion, sincere, zealous, not indulging in vagaries, but adhering to the doctrines and practices of the Reformed Church, is always respected. And it is on such grounds that this gentleman is of opinion that if a church rate were now proposed in Manchester it would be carried. Having, then, proved the antiquity of church rates, and the feeling of the Pro-

testant Nonconformists, such as John Wesley, one of the best men that ever lived, I proceed to inquire, where did the opposition to church rates begin? The opposition originally began at Birmingham, in a political union, very much about the same time as the Reform agitation was urged by these unions. That political confederacy was very formidable. About the same time that church rates were to be abolished the constitution of the country was also to be abolished. It happened to me to be engaged in a trial for high treason, and one of the most distinguished soldiers that England ever produced—the late Sir W. Napier—appeared as a witness. He had declared that if any man were prosecuted for high treason he would state that it was proposed to him at the time these political unions existed that he should march on London with 100,000 men to intimidate and overawe the House of Lords. The Judges thought the evidence not relevant, and Sir William Napier was not heard; but that did not alter the fact he was prepared to prove. My argument is, that the movement against church rates was not on religious, but on political grounds. The first movement was not against the existence of the rate, but against the amount of the rate. Other unions were formed, opposition was fomented, and so it went on until the agitation was changed into an Anti-Church and State Society, for the avowed purpose of destroying the Church and breaking down the connection between Church and State. The name was an awkward name, and it was therefore altered to a Society for the Liberation of Religion from State Control, under which it now flourishes. It has its newspapers, its pamphlets, its collectors, its Parliamentary committee, active agents outside and innocent instruments within the walls of this House. Complaints have been made against the manufacture of petitions, and when a debate was about to take place, the society issued a document of this kind:—

"'Up, friends, and at 'em!' is the word. The moment for action has arrived. Pass the summons round through every district to the remotest corner of the kingdom! Be quick—let no grass grow under your heels! Lose not a day—if possible to avoid it, do not postpone your preparations for an hour. In towns assemble forthwith for concerted movement. In villages draw up your petitions without a moment's delay. From every separate congregation let two petitions be sent up within the next fortnight—one to the Commons and one to the Lords. Both will be required. Two petitions—short, sharp, and decisive—praying for instant, uncompensated abolition. Get every signature to them that can be got by industry and zeal—real, *bonâ fide*, legitimate signatures. Don't be content with merely letting the petitions lie in the vestry on Sunday—sweep the congregations for signatures—male and female."

The petitions are of one stereotyped form, prepared by the same hand, and in favour of unconditional repeal. From some places too, there are more petitions than there appear to be inhabitants. I hold in my hand a set of instructions in the form of a circular marked immediate and important, in which it is directed that petitions should be sent to Conservative Members of Parliament, with a view to influence their personal feelings. It is a mistake to suppose that these people petition of their own accord, or that the petitions express their feelings in the exercise of a great and noble privilege. It is another man who thinks for them, and concocts the petition for them. Among the instructions one is that the person who gets up the petition may ask adults of both sexes, and others besides ratepayers, for their signatures. Two letters from clergymen have been handed to me by my noble Friend behind me, who is unable to speak in this debate, which show how these petitions are manufactured. In one case the names of all the members of a congregation were entered without their being asked by the person who had the care of the petition. In another the congregation were requested to remain after a prayer meeting to sign the petition. The names of men, women, and infants were entered indiscriminately. One woman had a child at her breast. She was asked his name. She said, "John." "Then," said the agent, "let John's name be put down." An old man offered to sign, but was told his signature was already affixed. In another instance the petition was signed in a great proportion by children of both sexes under ten years of age. One of these gentlemen who wrote to my noble Friend found a man very busy under a railway arch getting signatures to a paper, and he found it was likewise a petition against church rates. There is now a petition before the House from the parish of St. Simon and St. Jude, Manchester, complaining of the abuse of the right of petition. The petitioners state that they have seen a petition signed by boys of tender age in the public streets, and they feel it their duty to bring it under the notice of the House. The Committee who investigate petitions have also drawn attention to the fact of the great number of those petitions which are

manifestly the concoction of the same hand. In this way it is possible to get up almost any number of petitions. Since the Church has been provoked by this agitation a committee of laymen has been formed, and now we have petitions in favour of power being reserved to impose church rates equal in number to those against the existence of that power. The number of signatures to the latter is greater, but it arises from rectors and churchwardens supposing they could sign for those who authorized them, and in another year that error will be corrected and we shall see a different result. The committee of laymen have handed me the following statement, with permission to lay it before the House, as the question of church rates is not a clergyman's question. It is a question for all members of the Church; and I hope the laymen of that Church will be as enthusiastic in preserving the institutions of the country as some are in their desire to destroy them.

"The committee of laymen, immediately on its formation, in the spring of 1850, applied themselves to an analysis of the existing Parliamentary Returns, with a view of ascertaining in how many of the parishes of England the rates had been actually refused. Up to this time an opinion had prevailed that a very large proportion of the parishes were in this condition. The Returns analysed were those of Lord Robert Cecil and Sir William Clay, made to the House in 1856. Parishes not included in the former being searched for in the latter. By this means as many as 9,672 parishes were reached with the following results: Parishes in which the rate has been granted, 8,280; parishes in which there is no provision by church estates and otherwise, 544; parishes which have given dubious replies, 440; parishes which have refused church rates, 408."

With that state of facts it baffles my comprehension how any Gentleman can argue that the people of this country are in favour of the abolition of church rates. I can understand how in some large towns, where there are active agitators and complete organization for political purposes, the rate may be refused; but here is decisive proof that the majority of the thousands of parishes in the country are in favour of church rates. The tactics of the opponents of church rates, as Mr. Osborne stated before the Committee, are to reduce the rate when they cannot overthrow it. They say that in places where there may be only a few dissentients they make it their business to worry the clergyman of the parish, to disturb the vestry, and to perplex the parishioners, and they give as their reason that it often happens that a small and active minority, by steady and persevering efforts, overrides the opinion of a majority, which is perfectly true of more places than a parish. In 1859 a Return was obtained by the right hon. Gentleman the Member for Cambridge University, who was then at the Home Office and endeavouring to settle the question, he having the true interests of religion at heart. Replies were received from 10,749 parishes, showing that in the disturbed state of the law some increase had been made in the parishes dependent on voluntary rates. These amounted to 835, no doubt including parishes formerly returned dubious. The parishes returned as supported by endowments alone amounted to the number of 451; and parishes in which were endowments, voluntary rates, and subscriptions, were returned at 320, amounting in all to 771. From 504 particulars were not clearly stated, but it was reported that church rates in 1859 existed in 80 per cent of the entire parishes. It does not follow that there was a material increase of rates refused, though churchwardens had accepted voluntary rates pending a more distinct confirmation of the law. It may be remarked, too, that voluntary contributions for church restoration, repair, and otherwise, may safely co-exist with rates. The parishes of England and Wales are estimated at 12,000. In 1856 rates had only been refused in 408 parishes, which is less than 5 per cent. Mr. Walpole's Return of 1859 shows that there were 835 parishes dependent on voluntary rates and subscriptions alone. This would include parishes where the rates had been refused; but, still, making allowances for that increased number, the fact remains that upwards of 9,000 parishes approve the rate, and that only a small minority disapprove it. Upon what principle, therefore, is it that hon. Gentlemen contend that they have a right to ask this House to abolish the rate? They represent, I admit, very active and intelligent communities; but what is the actual strength of those communities? It is of the greatest possible use to ascertain this, because the grossest delusion ever entertained is that of supposing that a majority of the people belong to those particular bodies of Nonconformists who are against the rate. I have already disposed of the Wesleyan Methodists, and there is a Return which shows that all the denominations of Dissenters who are the objecting parties to the rate, do not, taken together, represent more than 15 per cent of the sittings provided

for Christian worshippers in this country. According to the analysis of the Census Return of 1851 by Mr. Mann, the total provision for the population by sittings amounted to 57 per cent. The provision by the Church of England is given as 29.7 per cent, the Wesleyans as 12.2 per cent. This portion of provision may be considered as favourable to the rate, and the principle of the Church of England. The Baptists furnish sittings in the proportion of 4.2 per cent; the Independents, 6 per cent; Scottish Presbyterians, Roman Catholics, and all other sects, including Calvinistic Methodists, 4.9 (say 10) per cent—equal to 15 per cent. This sum of 15 per cent may be taken as a near approximation to the total of the entire bodies—men, women, and children; and of the heads of families, ascertained in the usual manner by dividing by 5, the total would be 3 per cent. This is the entire religious section taken up by the Liberation Society, and on whose behalf Great Britain had been agitated with a call for church rate abolition. But is it true that what is wanted is merely to get rid of the church rate? That, in truth, is but a small part of the question before us. Some years ago, when the noble Lord the Member for the City of London was more mindful of the course that, as a Minister, he ought to pursue, and of the principles that formerly were supposed to actuate his conduct, he was asked to vote for a Bill for the abolition of church rates, and he refused to do so, saying he could not understand a general surrendering the outworks if they were to be surrendered only to be made the prelude to an attack on the citadel. The real objects of our opponents have been more fully developed since the noble Lord used that expression. It is a fact that the members of the Church Liberation Society are the concoctors of the petitions in favour of the present Bill, the active agents by whom the anti-Church agitation is conducted, and what is it they aim at? They say, "Let no one mistake the church rate question for the Church question. The Church question is not yet mooted; but we give notice to Churchmen that as far as we are concerned we shall not the less earnestly seek for the separation of the Church from the State because we have got rid of church rates. We want the Church of England to be reduced to what she is, one of the sects, because we believe it will diffuse a greater amount of truth and righteousness." I do not want you to believe the latter part of that passage. The first part I do believe. They go on to say, "Radical politicians dislike spending their strength on ecclesiastical questions. They will have to conquer that dislike, for ecclesiastical questions will furnish the chief subjects for popular conflict for years to come. But for the strange and anomalous position occupied by the State Church, its hatred of all change, its tenacious adherence to all abuses, its monopoly of honours, its indifference to justice, its encroachments and exactions, we question whether the middle classes could be got to take an interest in politics. Upon no other subject can excitement be so easily awakened!" They conclude by stating that the Liberation Society pledges itself always to labour for the separation of the Church from the State. I have other evidence to the same effect. Dr. Foster, the Chairman of the Parliamentary Committee of the Liberation Society, was called as a witness before the Select Committee of the other House on this subject. Upon being asked what the objects of that Society were, he replied that they wished to separate the Church from the State, to take away all the funds and property with which the State had endowed any religious denomination whatever, and to free all denominations of persons who might happen to be under special legislation on religious grounds from such special legislation. He explained that they wished to take away, for instance, that property which belonged to the Church at the time when this country was Roman Catholic, and which by virtue of the Reformation was vested in the Church since it became Protestant. That is a fair slice. He also stated that he included tithes. Well, if you abolish church rates, seize the tithes, and confiscate the landed property, what remains? The edifices; and accordingly Dr. Foster was asked what he and his friends intended to do with the edifices, whereupon he replied that the edifices of the Church are likewise to be considered national property, and may be diverted from their present uses to some business of public utility. That is the nature of the evidence, which shows the design of the Liberation Society, and I dare say the members of that body represent the political opinions of that great Puritanical party which formerly overthrew, not merely the Church, but the Crown, and which so abused the power they acquired that they were more cordially hated and detested than any

other class of men who ever governed in England. But it has been said that the hon. Baronet the Member for Tavistock is no party to the machinations of this revolutionary confederacy. The hon. Member for Liskeard (Mr. B. Osborne), in a recent speech, sought to rescue the hon. Baronet from the imputation of having any connection with the Liberation Society. He stated that he had himself voted for the abolition of church rates, not, however, from any hostility to the Church, because he was himself a Churchman. He stated that the last division exhibited the largest minority that had ever voted against the question for some time. I hope that that will not continue to be the case, but that there will be a still larger one. He tells us that the hon. Baronet had lost ground; but the reason was evident, because, before the Committee of the Lords last year, some evidence was given by highly respectable and conscientious men connected with the Church Liberation Society, of their intentions, and they went further than the abolition of church rates, stating that they wanted to do away with all tithes, and desired the separation of Church and State. He then declared that the hon. Baronet, the Member for Tavistock, was altogether disconnected with that party; but since that speech was spoken, the recognized organ of that party has published the speech with a commentary, remarking that the hon. Member for Tavistock has been aware of the objects of the Liberation Society for years, and long before he consented, at the instance of the Society, to take up the church-rate abolition question in Parliament, and that party abide by their opinions. The hon. Baronet, therefore, is in this position—that he has, innocently, no doubt, brought forward a measure to strike down church rates, it being avowed by the political body, whose agent he innocently is, that their object is to proceed steadily and energetically until they can lay their hands on all tithes, appropriate the land belonging to the Church, and finally the edifices of the Church. As the matter now stands, the House has now to determine a very different question from that which was originally brought forward. It was then represented as a teasing question of a penny in the pound levied in parishes where the majority was in opposition to the church rate; and that it would be a service to the best interests of the Church to get rid of that grievance. But when the matter is probed a little more deeply, and when the instigators of the movement are brought up as witnesses, then the whole truth is disclosed; and now you understand what their object is. They say they throw down the gauntlet. Then we had better take it up, and fight the battle out bravely. However the Ministers may shuffle off their responsibility, I believe that the great body of the Protestant people of the country are attached to the Church. In answer to the idle and hypocritical pretence that the abolition of the church rate would be of service to the Church, I will refer to certain parishes mentioned in the blue-book. I will take two large Metropolitan parishes densely inhabited by the poor, while the rich men, who draw their wealth from them, go elsewhere to inhabit better houses and to breathe purer air, leaving the parochial minister to struggle with the difficulties of his position as he best may. I will take first the parish of Whitechapel, containing a population of 30,000, chiefly of the poorer classes. What does the minister of that parish say? He gets the church rate. This is exactly one of the cases which the Motion of the hon. Member for Finsbury was intended to meet. The church rate there is collected along with the poor rate, by Act of Parliament; and the Amendment of the hon. Member for Finsbury was intended to take it away, though it is at present collected without difficulty and without objection. That church rate amounts only to £350 a year, and it is applied to the best purposes to which it was possible to conceive that a tax could be applied. If it were not collected the expenses of the churches must be defrayed by local contributions. But as the church rate covers that expense, the local contributions are applied to the keeping open of six or seven other churches, for which, by the zeal and vigilance of the minister, contributions are received from those manufacturers who have left the district; and they are thus maintained for the poor residents, for whom the church exists as their consolation, their blessing, their birthright; though now it is proposed to deprive them of its advantages; advantages which the church dispenses not in religion only, but in education, and all the blessings of good order in society. Take next the parish of Rotherhithe. The churchwarden of that parish is a nonconformist Wesleyan Methodist. He stated before the Committee that his parish contained a population of 20,000 chiefly poor, and

that the rate was levied with very slight objections. How was it applied? he was asked. "For the benefit of the Church." "But you are a Dissenter?" "Yes, but I am in favour of the Church and of the rate." "Can you collect it?" "Yes, with very slight difficulty; for the religious Dissenters, when they are fairly dealt with, and the case is fairly stated to them, withdraw their opposition and consent to the rate." And never was money more wisely laid out, or applied more to the benefit of the people. Though there are a number of persons in the parish who are not members of the Church, yet the rate has been levied without disapprobation up to the present hour, and it is applied to the purposes of education and religion. But, it is said, if the rate were abandoned, can you not fall back on local contributions? All the witnesses answer no. They say it is a very different thing with some persons to pay a legal demand, and to comply with a call for a voluntary contribution, and they all state that if you take the money away you take from the usefulness of the Church. There are many parishes in which the poor exclusively live; there the money is paid, not by them, but for them, and if you deprive them of it you deprive them of that which administers to their comfort and consolation, and you would do for the Church what its bitterest enemies desire. It is said that the opponents of the present Bill ought to propose some plan. I have no plan to propose, and I think with Dr. Lushington that the existing law is both an old and a good law. When the advocates of abolition say that they will not be satisfied, although Dissenters should not be called on to contribute, and that they will refuse to allow Churchmen to have a law whereby Churchmen may be enabled to assess each other, then I must, however reluctantly, say that there is no middle course, and that I am compelled to vote for the Bill or against it. But a greater question remains. I have read the papers of this society very attentively, and I am bound to say that I do not believe in their opinions, or that the history and experience of the world bears out their assertion that the State ought to have no connection with the Church. What State ever existed in power, greatness, and glory, that did not as a nation acknowledge an overruling Providence? Look to the people of antiquity. Not a ceremony, procession, or triumph, took place in ancient Rome that was not consecrated by religion; and we now look with delight at the remains of the temples which they built to their gods; nay, more—so far is history from proving that separation of religion from the State to be the advancement of liberty and of morals that we find a great but indignant patriot, when he would recal the glories of ancient Rome, saying, "While your forefathers were wise, free, and virtuous, they lived in modest habitations, and spent their wealth in decorating the temples of the gods. You now, being corrupt and contemptible, live in luxury and riot, and you refuse to sustain the edifices of religion." The same rule holds good in modern history. France, in the hour of her revolution, ceased to recognize a national religion, and set up a goddess of Reason. What became of her? I will answer the question in the clear and forcible words of one of our ablest divines:—"When the rulers of a nation desert the national recognition of Christianity, the God of the Christians will desert them." That conveys his reason for maintaining the national Church, and it is a sound and a sufficient reason. The forms of our indictments and the proceedings of our public bodies prove that the principle of Christianity pervades our laws and our institutions; the Established Church is intertwined and inseparably connected with our political system, and to separate them is not to reform or amend, but to revolutionize the State while you destroy the Church. When revolutions have occurred in other countries we have been quiet, because the people of this country are a believing, and in the main a religious people, because they are taught daily and weekly all the duties of life by ministers of religion who are supported by the State, not merely because they teach the moral duties and preach the Scriptures, but because they promote order, peace, and security throughout the country. I oppose this Bill, not only on the ground that it is a bad Bill, but because there is at stake a much greater question, as avowed by the witnesses examined elsewhere—namely, whether or not the Established Church shall continue to exist in this country. The Nonconformists have asserted that the Church is careless upon this question. The Church has now copied from them, and will now call on the people to express their opinions. When mischievous men combine good men may unite, and I have little doubt that in the struggle which awaits us the Church of England will

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come out of it stronger than she has ever been before, stronger in the opinion of the people, stronger in the affections of the nation, and stronger in the support of a Christian Parliament. The right hon. and learned Gentleman concluded by moving that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. BRIGHT: Sir, I feel somewhat indebted to the right hon. and learned Gentleman for having come forward as a new advocate upon this Question, as he has infused, by that physical force oratory, of which he is so great a master, some new light upon a question which has been worn almost threadbare. But I do not think that when his speech is read to-morrow it will satisfy that great portion of the people of the country who object to church rates, that the system now existing should be permanently continued. I was not present at the opening of the right hon. and learned Gentleman's speech, but when I entered the House he was telling the House that the Nonconformists of the olden time were a much better class of men than the Dissenters of the present day; that they made no objections to the equity of church rates. That was a sentiment which was received with great enthusiasm by hon. Gentlemen opposite, who for the first time have appeared as decided admirers of the Nonconformists of that time. In answer to that it may be said from the time of Queen Elizabeth down to the Act of Toleration the principles of religious freedom were little understood in this country. We know that not the Church only when it had the power, but many of the Nonconformists themselves, admitted that it was right not only to raise taxes for the support of a particular Church—their own Church—but that it was positively right to coerce those persons who held religious opinions different from their own. They had not advanced as far as the great body of the English people, including hon. Gentlemen opposite, and the party they represent, have now advanced, and therefore the right hon. and learned Gentleman's argument goes for very little. But he has treated the House to a public reading of a large portion of the evidence of, I think, two gentlemen who were witnesses before the Committee of the House of Lords. I shall refer only to the evidence of one of these Gentlemen—Mr. Bunting. I suspect that when the name of Bunting was mentioned there was a general impression that this was the evidence of a very distinguished man who, although not nominally, yet actually, was Bishop or Archbishop, and almost Pope, in the sect of which he was so distinguished a member. But that is not the case. The right hon. and learned Gentleman, not for the first time in his life as a counsel learned in the law, has been beholden for his brief to an attorney practising in Manchester. Mr. Bunting is not a minister of the Methodist Church, as I understand, but is in the profession of the law, and therefore I must strip him of any authority he has upon this matter in connection with the Methodist Church in consequence of his bearing the name of Bunting. I must say, further, that this Gentleman, although in some sort a Nonconformist, inasmuch as I presume he attends a Methodist Chapel, is a politician of a peculiar kind, such as is not found very frequently among the dissenting body. I dare say he agrees with the most obstructive, if I may use the term, Conservative or Tory among hon. Gentlemen opposite, and if we had taken his opinion upon all those questions of policy which this House has decided in favour of popular rights and justice to the people of this country during the last twenty years, I have not the least doubt that Mr. Bunting would have been as conclusive against all those concessions as he appears to have been upon the question of church rates. But the right hon. and learned Gentleman did not treat the House quite fairly in stating the evidence of this Gentleman, because he did not feel himself courageous enough to say that the Wesleyan body was in favour of church rates. I find he says, in answer to a question whether there was any likelihood of petitions being sent by them:—

"No: from a fear on the part of those who sympathize with the Church of England of eliciting an opinion to the contrary. There is among us a general agreement not to disturb questions which we do not consider essential. The opposition would, I believe, be from a minority in our own body"

"A distinct minority?—I think I should call it so."

The House will see from this that although Mr. Bunting is not remarkable for great hesitation generally in his opinions upon this matter, yet he does hesitate to say that the Wesleyan body was with any

sort of unanimity in favour of church rates. And I can give my testimony, living as I do in a neighbourhood where they are very numerous, and where their services have been very great, to the fact that when the question of church rates is mooted and contests take place, although a few leading men are anxious to keep the question quiet, because it is one which might disturb their body, as far as my observation goes, a very large number—I think a majority—who attend their chapels, have generally acted with the party by which church rates were opposed. But it must be borne in mind that the Wesleyan body is of a peculiar character, that its government is more strictly priestly than anything that exists in the Church of England and almost beyond anything in the Church of Rome. The Conference, composed of 100 ministers, dominates not only over the private opinions and individual action of the members, but also over what I may call the corporate or sect action, and throughout their numerous chapels in this country, unless the Conference were to give the order or its permission, we should not find from any of these congregations petitions presented to this House. But from this fact may be traced an important series of circumstances—that there have been from that body numerous secessions of very noteworthy character, secessions which have not arisen from any difference as to the doctrine, but simply as to the absolute Government of the Conference. Notwithstanding all this, as I have said, great numbers of them—I believe a very great majority—vote in opposition to church rates whenever a contest takes place, and do unite in sympathy upon this question with the great body of Dissenters belonging to other sects. I should not have said so much about this particular body had it not been for the extraordinary importance which the right hon. and learned Gentleman has given to this part of the subject. I find, however, that even from the Conference Methodists there have been 135 petitions presented lately to the House: from the Methodist New Connexion 97, from the Methodist Free Church 164, from the Primitive Methodists 265, from the Calvinistic Methodists 108, from the United Methodists, the Methodist reformers, and the Wesleyan Association, 47; making a total of more than 800 petitions which have been presented from that body in favour of this Bill. Now, as to the other sects of Dissenters, I believe the right hon. and learned Gentleman has not been able to make out any kind of case or to show any difference of opinion among them upon this question. I think he will admit that they are, with as much unanimity as can ever be expected upon public questions, in favour of a repeal of church rates. But if it be, as he says, that this movement is merely the movement of a few busy, meddling agitators belonging to those sects—whose numbers by the way he has not given very accurately—if that be so, how comes it that throughout the country and in this House they have obtained so large a share of support? That fact is a very ugly one, and the right hon. and learned Gentleman passed it over. Even the Church, on whose behalf the hon. and learned Gentleman professes to speak, is itself not unanimous upon this question, and in all the parishes in towns and cities where church rates have been abolished, every Member who has been engaged in this question will admit that no inconsiderable number of those who regularly attend the services of the Church have joined those agitating, meddling Dissenters in their attempt to put an end to the system of church rates. I should say in those districts a large minority—I will not say a majority—of Churchmen have been as willing to get church rates abolished as the Dissenters themselves. I live in a town in which contests about church rates have been carried on in past years with a vigour and determination, and, if you like it, with an animosity which has not been surpassed in any other part of the kingdom. Hon. Gentlemen opposite, who profess to be in favour of what is called a stand-up fight, will be glad to hear that nothing could exceed the activity of their friends in that parish, nothing could exceed the profuseness with which they were willing to pay for a contest, in order that all might have to contribute to a Church which at that time they themselves were not willing adequately to support. The very last contest of this kind cost the Church party in the parish as much money as, if invested at the common rate of interest, would have supported the fabric of the church for ever. [*A cry of* "How much?"] I can tell the hon. Gentleman what was the estimate formed, which I believe was never disputed, and which, judging from the expenditure on the other side, was not, I should say, very inaccurate. I believe that the expenditure would not be less than from £3,000 to £4,000. It is a large parish,

probably ten miles square, and contains nearly 100,000 inhabitants; and I need not tell hon. Members that there is no class of people in England more determined and more unconquerable, whichever side they take, than are the people of the county from which I come. What was the result of that struggle? The result was that the church rate was for ever entirely abolished in that parish. I have since seen several lists of candidates for the churchwardenship put forth by Churchmen, each of which claimed support upon the ground that they would never consent to the reimposition of a church rate; and the parish has been for many years upon this question a model of tranquillity. It would not be enough that it should be a model of tranquillity if the result had followed which the hon. and learned Gentleman foretold in such dolorous language, that religion would be uncared for, and that the Gospel would no longer be preached to the poor; but I will undertake to say that since this contest that venerable old parish church has had laid out upon it, in repairing and beautifying it, from money subscribed not altogether, but mainly by Churchmen, ten times, aye, twenty times as much as was ever expended upon it during a far longer period of years in which church rates were levied. During that period there were discussions about the graveyard, about the hearses, about the washing of the surplice, about somebody who had to sweep out the church. There were discussions of all sorts, of a most irritating and offensive character. The clock which was there for the benefit of the public no longer told the time, and, in fact, there was evidence of that sort of decay to which the right hon. and learned Gentleman has pointed as the inevitable result of the abolition of church rates. Since the rate ceased to be levied the clock has kept time with most admirable fidelity, and to such an extent has the liberality of Churchmen gone, that very lately they have put up another clock in a neighbouring church. I believe that in the parish of Rochdale the Church people have received far more benefit from the abolition of the church rate than the Dissenters have. They have found out, what they never knew before, that when placed upon the same platform as Dissenters, and obliged to depend upon their own resources, they are as liberal and zealous as other sects. I wish that the right hon. and learned Gentleman had told us, and I hope that some one who follows him will do so, how it happens that year by year there has been growing in this House a power in opposition to church rates, while at the same there has been less animosity throughout the country upon this question. I believe it has arisen from the growth of a better feeling on both sides, and from the fact that year by year there have been secessions from the supporters of church rates throughout the country, and that more and more without the action of Parliament the principle embodied in the clauses of the Bill of my hon. Friend has come to be acted upon. Now what is the real point between us?—because I believe that hon. Gentlemen opposite will agree with me that if it could be done it would be better that this question should be for ever disposed of. What is the question at issue between us? Does any man dispute the evils that have arisen? The right hon. and learned Gentleman has, in a speech of great vigour, endeavoured to throw ridicule and contempt upon the great body of the Dissenting population of this country. ["No, no!"] Well, at any rate, he has not refrained from expressions of harshness towards those whom he charges with being the movers in this question. But does he believe, or do any of you believe, that if those persons did not in the main possess the confidence of the great body of the Dissenters, they could in a week, a fortnight, or a month, stir them up from one end of the country to the other, and bring to your table the signatures of 500,000 of your countrymen? [*Cries of* "600,000."] I am reminded that the number is 600,000, but in a matter of this kind I am not particular to 100,000 more or less. I say, then, is there any one here who disputes the evils which have arisen from these discussions? I confess that I have sometimes wished that I could speak in this House, even if it were for only one half hour, in the character of a Member of the Church of England. If I could have done that I should have appealed to the House in language far more emphatic and impressive than I have ever been able to use as a Dissenter, in favour of the abolition of this most mischievous and obnoxious impost. The right hon. and learned Gentleman has no plan. I think he was right in making that admission. I believe there are only two courses which can be pursued. One is to leave the law exactly as it is, a course which if this matter did not touch a ques-

tion of religion, I should not complain of, because it leaves the majority in every parish to decide for itself. The other plan is that of my hon. Friend the Member for Tavistock. You have tried every kind of contrivance. The right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) proposed a plan. The right hon. and learned Member for the University of Dublin was a Member of the Government by which that plan was proposed; and, as he now says that he has no plan, I presume that he has abandoned the plan of the right hon. Gentleman opposite. The right hon. Baronet the Home Secretary, and the right hon. Baronet the Chancellor of the Duchy of Lancaster, also tried plans. Indeed, there are in the House many who have aspired to legislate upon this subject, but have failed in these attempts at conciliation; and I think we must all feel conscious that we must either remain as we are, or adopt the Bill which is now before us. I confess that I am altogether against any kind of dodge by which this matter may be even temporarily settled. I think that if this Church be a national establishment, you cannot by law insist that its support shall be drawn from only a portion of the population. I agree with you altogether in that. If I were a Churchman I would never consent to it, and, not being a Churchman, I wholly repudiate it. The dissensions to which I have referred have prevailed, prevail still, and cannot terminate as long as this imposts exists. What is its natural and inevitable result? It must be to create and stimulate the pride of supremacy in the dominant Church, and at the same time produce what I shall call the irritation of subjugation and injustice on the part of that great portion of the people who support their own ministers and places of worship, and who think that they ought not to be called upon to support those of any other sect or church. Now, is it necessary that this should continue? I often have occasion in this House to give hope to hon. Gentlemen opposite. They are probably the most despairing political party that any country ever had within its borders. They despair of almost everything. They despaired of agriculture. Agriculture triumphs. They despair of their Church, yet whenever that Church has been left to its own resources and to the zeal of its Members its triumph has been manifest to the country and to the world. Are you made of different material from the five millions of people who go to the Dissenting chapels of England and Wales? You have your churches,—I speak of the old ones, not of those recently erected by means of votuntary contributions, — you have your churches, which you call national, and you have them for nothing. You have your ministers paid out of property anciently bequeathed or intrusted to the State for their use. In that respect you stand in a far better position for undertaking what, if church rates are abolished, you must undertake, than do the great body of your Dissenting brethren. Have you less zeal, have you less liberality, than they have? Do not you continually boast in this House that you are the owners of the great bulk of the landed property of the country? Are you not the depositaries of political power, and do you not tell us that when a Dissenter becomes rich he always walks away from the chapel into your church? If this be so, am I appealing in vain to you, or reasoning in vain with you, when I try to encourage you to believe that if there were no church rates the members of your church and your congregations would be greatly improved, and that, as has taken place in the parish in which I live, your churches would be better supported by your own voluntary and liberal contributions, than they can ever be by the penny per pound issuing from the pockets of men who do not attend your church, and who are rendered ten times more hostile to it by the very effort to make them contribute to its support. I believe that church rates must before long be abolished. Hence I wish to afford some hope and consolation, if I can, to hon. Gentlemen opposite. Why, Mr. Osborne and Mr. Bunting, from whom the right hon. and learned Member so largely quoted, themselves belong to a body that has done marvels in this country in erecting chapels, paying ministers, establishing schools, raising the dead, if you like—for men who were dead to religion have been made Christians; and they have preached the Gospel to the poor in every county, I might almost say every parish, in the kingdom. Yet they have not come to Parliament for grants of money; and, although they have often come to me and others for contributions to their chapels and schools, they have never had any force of law to enable them to raise their funds. Throughout England and Wales what would be the condition of your population, your religious establishments, your

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education, if it were not for the liberality of those sects of whom the right hon. and learned Gentleman thinks fit to speak in disparaging terms. But I pass to his own country, and though I should like to see Irish Members more frequently taking part in the discussion of questions affecting England and Wales than they do, I was surprised to find that the right hon. and learned Gentleman made no reference whatever to what has taken place in the island from which he himself comes. In the year 1833 you abolished the vestry cess, the church rate of Ireland; you abolished one-fourth of the tithe—that is, you took it from the Church and gave it to the landlord; you did a good many things with the Irish Church at that time which many Gentlemen of the same party as the right hon. and learned Member denounced, just as you denounce the present Bill. Of course it will be said that the Earl of Derby has since then changed his opinions, and therefore the views he held at that period will have no authority with his followers now. But what has been the effect on that Church? Is there a man in this House with the slightest knowledge of what has occurred in Ireland during the last thirty years, who will not admit that the Irish Protestant Establishment would have been absolutely uprooted and separated from the State for ever long before now but for the large measure of change—I will say of reform—to which the Earl of Derby, as a Minister of that day, was a party? If that be true, what right has anybody to charge the hon. Member for Tavistock with a deadly hostility to the Church of England? I do not believe there is a man in this country at this moment who has any hostility to the Church of England as a Church. I never met with such a man. The right hon. and learned Gentleman has referred to a friend of mine who not long ago had a seat in this House, although he did not mention him by name. I allude to Mr. Miall. Why, there is no man in England whose character for religion, morality, intelligence, or a persistent devotion to what he believes to be right stands higher than that of Mr. Miall. But Mr. Miall has not the smallest objection to the Church of England as a religious body, any more than he has to the Methodist Conference or any other denomination which teaches its own peculiar views of Christianity. What he objects to is that the Church should be, as it has been, so much of a political institution. And there can be no doubt but that among the clergy of the Establishment and the most thoughtful of her sons there is throughout the kingdom at this moment a deep sentiment at work which, altogether, apart from Mr. Miall and the Liberation Society, is destined before many years are over to make great changes in the constitution and condition of that Church. And I undertake to say that, if their views, or those of Mr. Miall, were carried out by Parliament, the Church would still be a Church at least as great, as powerful, and as respected as it ever was at any period of its history. I believe it would, as effectually as it ever has done, raise to life those who are religiously dead, and, at the same time, more extensively than it does now, preach the Gospel to the poor. But the right hon. and learned Gentleman might have given us another lesson from Ireland. There the great body of the people—not the possessors of wealth—are in connection with the Roman Catholic Church. Many of us have been in Ireland. I have myself spent several weeks there, travelling from one part of the country to another. I saw chapels everywhere, that great cathedrals had been built, that there were evidences of great zeal and wonderful liberality among a people at that time poor and dejected, and in a lower physical condition, I undertake to say, than could have been found in any other population in any Christian country of Europe. The Irish Catholics, without any assistance from the State except a paltry grant, which I believe many of them would gladly forego, have provided amply for all the religious wants of their people. And I venture to assert that religion—not now speaking of particular doctrines or forms—has there permeated even to the lowest class of society in a manner that is not equalled in this part of the kingdom, where your Church Establishment has for ages reigned almost supreme. But if you are not satisfied with the case of Ireland, let us go to Wales. There you have a poor population of Methodists. The Welsh Dissenters do not own the great estates. They have no ancient endowments, no grants from Parliament. They do not even send representatives to this House—["Oh!"]—representatives I mean of their peculiar views. Eight-tenths of the people of Wales have no connection with the Established Church. Yet, poor as they are, compared with the population of England, there is not a nook

or corner of the Principality in which there are not a chapel, a school, and a minister, or in which you do not constantly see the influence of religious teaching on the character and habits of the people. But go a little further north, to a land where men are not supposed to misunderstand their own interests. I refer to the country on the other side of the Tweed. You have an Established Church there. Many years ago you had two considerable secessions from its pale who became powerful sects. They have since united themselves, and their power has proportionately increased. But lately, within the recollection of every Member in this House, for it is but seventeen years ago, there was another great secession; and from what men fancied was the ruin of the Established Church of Scotland there arose a new Church, offering, I will say, to the world, an example of zeal and munificence such as has not been witnessed in this country during the lifetime of the present generation. Not long ago, while in Scotland—a country to which I am very glad to flee when we are liberated from attendance in this House—I took the pains to make some inquiry upon this question; and I found that the Free Church, which comprises probably not more than one-third of that portion of the population who pay any attention to religious matters, raised voluntarily, during the year when I made the inquiry, a larger sum than the whole annual emoluments of the Established Church of Scotland. It has built, I think, something like 700 churches throughout that part of the kingdom, and as many manses or dwellings for its ministers. It has also established schools in almost every parish. And I tell the House with the utmost sincerity that I believe I never questioned any man in Scotland as to the effect of the disruption who did not admit that, painful as it was, and utterly as he and many others might have opposed it, still it has been full of blessings to the people of that country. I believe the number of persons who frequent places of worship, the number of schools, and the number of scholars who attend them, are all far larger than ever they were before the last great secession. Bear in mind that, with the exception of a very few persons of high station in society, including one or two Members of the other House and two or three of this, the property of Scotland, as far as property is to be measured by the possession of the soil, has not gone with the Free Church at all. Yet you find throughout the whole of that country those vast results from a zeal, a religious fervour, a munificence, which are not a whit greater than would be exhibited under the same circumstances by Members of the Church of England. But such a state of things, I say, must raise the character of the people of Scotland, high as it was before, still higher in the estimation of the Christian world. Only one other point with regard to this voluntary question. Apart from the discussions and divisions, from Bills and clauses in this House, if I were to ask any hon. Member on the other side whether he believed that the Church of England was not, or would not, become as liberal as any other sect, I have no doubt he would at once say that to assert the contrary would be to slander and misrepresent the members of that Church. Well, I think so too, and the evidence lies in what the Church has been doing of late years. If you stand upon any eminence in the neighbourhood of any large town or city in England you will see everywhere towers and spires indicating the temples that have been raised in recent days for the worship of God; and so also, if you travel over the country, as you now rapidly do, you will see through the glass of the railway carriage one spire here, another there, and a third yonder. I do not always admire their architecture, but some of them are beautiful objects in the landscape of which they form part. Well, this has all been achieved, not by the votes of Parliament, for they have ceased, but by exactly the same religious zeal, the same Christian benevolence, which have distinguished the rest of your countrymen, and which you, the richest and proudest of them all, would surely, under the like circumstances, equally display. I want to persuade you that this is a good Bill for the Established Church. I am not about to try to take you in by allowing you to suppose that I agree with you as to a State Establishment for teaching religion. I agree on that abstract question with Mr. Miall and the Liberation Society. I believe it is an evil to the State and to religion; but that is not a question for us to discuss now, or one which probably this generation will ever be called on to decide. I say, the abolition of these irritating levies of money in Ireland has been of great advantage to the Established Church of Ireland. I say, the more you remove your question of an Establishment from that constant and irritating

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contest and discussion which are inseparable from the continuance of these rates, the more probably, for a long period of time, you will consolidate your Church; and I am inclined to believe that its fall as a State establishment will never come from the assaults of those who are without it, but will rather come from the strong differences of doctrine among those within its pale. I should like to ask hon. Gentlemen opposite to look to a point in respect to which their Church is at a great disadvantage as compared with Dissenting congregations. I am in a position to observe both of them with great impartiality, because I belong to a sect which is very small, which some people say is decaying, although I believe its main principles are always spreading. I have no particular sympathy with Wesleyans, Independents, or Baptists, any more than I have with the congregations which assemble in your churches. But have you not observed in London, and more particularly in the country, where you are more minutely acquainted with circumstances — have you not observed, that among the congregations of Dissenting bodies there is a greater activity in all matters which belong to their Churches, and to objects which they unite together in promoting as a religious community? Don't you find that from the richest and the most influential man who enters a chapel on a Sunday to the humblest of the congregation there is, as it were, a chain of sympathy running through them all, which gives to them a great strength, which combines them together, which influences the humblest and the highest for good, and which gives to that congregation a power which is found to be greatly less existent in a congregation of the Established Church? I have spoken of this to many persons who differ from me on all those questions of church establishments, church rates, and the like; but I never spoke to any man in the habit of attending the Established Church who did not admit to me that it is one of the things they most deplore, that among the 500 persons more or less who attend any particular church there was infinitely less sympathy, co-operation, union, and power of action than was evidenced among the various Dissenting communities in this country almost without exception. But if you had none of these rates to levy by law you would be placed—and it would be a most material advantage—in the same position as are the congregations of Dissenting bodies. You would be obliged, of course, in the management of your congregational affairs, to consult the members in general; you would have your monthly or quarterly meetings; and thus you would know who were your neighbours in church, and you would be united together, as Dissenting congregations are. And I maintain that your religious activity and life for all purposes of missionary work at home and abroad would be greatly increased and strengthened; and so far your congregations, your ministers, and your churches would be great gainers. Some hon. Gentlemen will say that I am a violent partisan on this question, and that I have partaken of the animosity which I stated to have existed in the parish in which I live. I do not deny that in times past I have taken a warm, and it may be, occasionally, a too heated part in the contents and discussions on this question; but, so far as I am concerned, the feelings engendered by these strifes have been swept away; I am older than I was then; I make great allowance for men's passions, as I ask that they should make allowance for mine. This question has come to a crisis; and I ask the House to consider whether it would not be to the advantage of the Church, of morality, religion, and the public peace, that this question should now be set at rest once and for ever. The right hon. and learned Gentleman—it is one of the faults of a high classical education — following the example of the right hon. Gentleman who delighted us all with a most brilliant but most illogical speech last night, affrighted us with an account of what took place under the democracies of Greece, and asks us to follow the example of those who were believers in the Paganism of ancient Rome. He says, did not the Roman emperors, consuls, and people go in procession after the vile gods and goddesses which they worshipped? It is true they did, and I hope the right hon. and learned Gentleman feels sorry by this time that he asked us to follow an example of that kind. Rome has perished, and the religion which it professed has perished with it. The Christian religion is wholly different, and if there be one thing written more legibly than another in every page of that book on which you profess that your Church is founded, it is that men should be just one to another, kind and brotherly one to another, and should not ask of each other to do that which they are not willing themselves to do. I say that this law

of church rates is a law which violates, and violates most obviously and outrageously, every law of justice and of mercy which is written in that book, and it is because I believe it does so that I am certain that it never can be of advantage to your Church, if your Church be a true Church; and, believing that, and feeling how much the interests and sympathies and wishes of millions of our countrymen are in favour of the abolition of this impost, I ask you to do what I am now ready to do—to give a cordial support to the third reading of this Bill of my hon. Friend.

MR. DISRAELI: It seems to me that the hon. Gentleman has somewhat mistaken the arguments and the views of my right hon. and learned Friend who moved the rejection of this Bill. I do not pretend to defend the character of Mr. Bunting. The hon. Gentleman says that he is not a Pope, but an attorney, and that he has given a brief to my right hon. Friend. There is an old story, too stale almost to refer to, that when you have no case—the House recollects the rest. The hon. Gentleman misses the entire argument of my right hon. and learned Friend, and finds it very convenient to abuse Mr. Bunting, a gentleman who I have every reason to believe is of high respectability and influence among the estimable sect to which he belongs. Nor will I enter into the question of the church rate contests and controversies of Rochdale. They are well known, and have been related to-night with sentiments of epical exultation. The hon. Gentleman has talked of the immense sums of money expended in those contests, and I have no doubt, whenever the hon. Member engages in controversies—such is his spirit and such his talent for producing and promoting resistance—that the contest on both sides is conducted with great animation. And when the hon. Gentleman congratulates himself on the result, and assures the House that the condition of the fabric of the church at Rochdale is quite satisfactory, I only wish that to prove his case he had given us some information respecting the condition of the churches in Birmingham. I recollect a petition being presented to the House within the last few years, by the late colleague of the hon. Gentleman, which did not present so satisfactory an account of the churches in Birmingham under the influence of the voluntary principle as the hon. Gentleman has given us to-night of the condition of the church at Rochdale. That petition, in favour of church rates, was presented four years ago by the late Mr. Muntz, and it emanated from the clergy of the rural deanery of Birmingham. It states that,

> "Your petitioners have had painful experience of the evils attending the long suspension of the legal means of maintaining and repairing the fabrics of their churches, as well as of providing for the proper observance of Divine service, and are enabled to say that the voluntary system, after a trial of twenty-five years, has proved inadequate to supply the wants of the church."

Indeed it will be seen from the evidence taken by the House of Lords that several of the churches in Birmingham are in a state of great decay and dilapidation. It was not my intention to refer to the circumstance had not the hon. Gentleman founded his argument on the individual instance of Rochdale. I do not want this great question to be decided on mere instances, taken here and there; but when he refers to the state of the ecclesiastical fabric in his native town, I think I have a right to refer to the state of the fabrics under the voluntary system in the still more considerable town which the hon. Gentleman represents, and if any conclusive argument on a question of such gravity can be drawn from the circumstances, I think the House will agree with me that the weight of evidence must be more on my side from the state of the churches of Birmingham than on that of the hon. Gentleman from the single instance he has referred to in the town of Rochdale. Throughout his speech the hon. Gentleman was delivering, not an argument, but a eulogy in favour of the voluntary system; but that really is not the question before the House. The hon. Gentleman, as always in this case, has dealt in views which are purely speculative, and must necessarily be such, referring as they do to a condition of society which does not obtain in this country; and he has attempted to illustrate and prove his assumptions by instances which I can show him are entirely fallacious. For, after all, when the hon. Gentleman at such length dwelt on the efficacy of the voluntary system in Scotland, and the non-necessity of any compulsory legislation in order to support the ecclesiastical fabrics in that country—what did it amount to? Why, to this—that, no doubt, there has been a great expenditure from a feeling of religious zeal in Scotland in favour of new manses, and new kirks, and new endow-

ments; but the hon. Gentleman quite forgot that all this time, simultaneous with this great burst of religious feeling, and this remarkable investment for spiritual purposes without compulsion, there is an established Church of Scotland, maintained by the most rigid and inflexible church rate that can be devised—not the church rate that exists in this country, which depends on the decision of the majority, but one which no majority can influence, and which, under every circumstance is raised. All the time this remarkable investment was taking place, and this ebullition of religious feeling was evinced in Scotland, he forgot to remember that a church rate was not only in existence but levied with the utmost rigidity and strictness. So, with the picturesque view the hon. Gentleman gave us of himself when mounted on an elevation in the neighbourhood of a large town, and taking a survey of the ecclesiastical architecture, which he was careful to tell us did not always accord with his own taste; whenever he sees a new church, he says all this is done by the voluntary principle, why do you adhere to the ancient and barbarous principle which I recommend you to abolish? But he forgets that such exertions of the voluntary principle in the raising of churches are not of new introduction. The voluntary principle has been always at work in raising churches; and it would be very difficult to fix on any church in England that has not been raised by that same influence. The question is, whether the voluntary principle will keep churches in repair. The two illustrations, therefore, which the hon. Gentleman took from the present state of Scotland and England, in so far as we find a great expenditure in favour of sacred objects which the law does not compel, are really quite illusory, and do not in the least enforce the argument he wishes to impress on the House. Then, Sir, the hon. Gentleman says if there be such a feeling in favour of levying church rates in England—if there be among the Dissenters such a partial adhesion to that system, why has there been of late years so much interest on the subject in this House, and why is there a considerable party in it anxious that some legislation should take place on the subject? Now, I think, I can tell the hon. Gentleman the reason. No doubt there has been on both sides of the House a great unanimity to meet this subject, but that has arisen from an impression very prevalent in the country and in this House that there had been vexations complained of which might be remedied; that there have been scruples of conscience which have been urged, and which like all scruples of conscience have been at once listened to with sympathy and respect; but during all the period when there has been a considerable interest and even excitement on this subject in this House, the object has not been that which the hon. Gentleman now frankly confesses to be his object; but it has been an anxious desire of Gentlemen on both sides of the House to meet a complaint which they thought might efficiently be met, and to remove a grievance which they thought might be practically encountered. But, Sir, thirty years have passed since this matter of church rates has been a public question of large interest; and how have these thirty years been occupied? Why, Sir, they have been occupied in pleas which time has proved to be insincere, and in plans and projects of adjustment which, because the pleas for abolition were insincere, have necessarily proved fallacious and inadequate. That is the reason why there has been so much interest in this House, and why all our efforts have been futile. But the hon. Gentleman, the self-appointed representative of the school of abolition, has, in his speech to-night, told us frankly what is his object, and we cannot help observing that the object he now eulogizes is not that we have been considering and desiring to remedy during the last thirty years. He tells us that the Church of the nation ought not to be supported for merely a portion of the nation. He tells us that this is only an abstract opinion, but, if only an abstract opinion, we demur assenting to a Bill the object of which is to convert a mere abstract opinion into a very definite and practical policy. He says that the Church of this nation is supported only for a portion of the nation, and that is a state of affairs that ought not to be endured. We have brought the question, then, to a very clear issue. I do not wish at all to diminish its importance, but it is a very great advantage that we have it clearly expressed in language no one can misunderstand, and that we know really what we are about. Well, then, before we assume that it is a verity on which we are called to legislate, let us be at once sure that we are acting safely in accepting the dogma of the hon. Gentleman as an axiom. The Church of the nation, he says, is only

the Church of a portion of the nation, because there are some dissenting from its doctrines and discipline, or not within its pale. Let us consider who those persons are. It is of great importance that we should treat this subject with calmness. It is not a subject of the moment only, it will affect the future, and it is imperative that every step we take should be a safe one. Let us examine briefly the position of the Dissenters. The Dissenters of this country range under two heads — there are first the descendants of the old Nonconformists, persons exercising considerable influence from their property, and, I willingly admit, from their high character and integrity. Well, these are the descendants of generations back which had a decided quarrel with the Church. They separated from the Church because the Church in the days of their separation was, as they alleged and believed, conducted in a spirit of superstition and oppression. But we must remember this — the hon. Gentleman has reminded us to-night of the circumstance—that there is no difference between the descendants of the old Nonconformists and the members of the Church of England in doctrine. The Church of England is otherwise as much changed from the Church of the days of the quarrel with the Nonconformists as the Nonconformists themselves are changed. There is, in what venerable Hooker would call *Ecclesiastical Polity*, something which, if conducted with temper and due humility, recommends itself to tender and refined minds. It is perfectly true, as the hon. Gentleman has represented, that many of the most distinguished Nonconformist families are absorbed in the national Church at the present moment, and therefore the hon. Gentleman can hardly contend that the old quarrel with Nonconformity is in the 19th century a ground on which you should put an end to the Established Church of England. Then there is the second class of Dissenters more considerable in numbers, but more recent in origin and growth. They are Dissenters who have become so from the circumstance that the population of this country has outgrown the Church of the country. It is not superstition or oppression that has driven this considerable body of men from the Church; at the worst, it was negligence. But if you admit the principle of an established national Church, if you admit the fact that, during the end of the last century and the beginning of the present, the population of this country greatly outgrew the Church, will you, as a consequence, adopt the conclusion of the hon. Member for Birmingham that the Established Church ought to be abolished, because from negligence and inefficient means it has not met the spiritual requirements of a vast population? That would be hardly a wise and statesmanlike course to pursue. On the contrary, you should rather increase the means and extend the influence of the Church in such circumstances, than reduce its power and diminish its efficiency. When we recollect—what no one can deny—that the exertions of the Established Church of this country during the last quarter of a century, and especially at this moment, show that it is mindful of the population which had so much outgrown the sphere of its influence, and that it is endeavouring to compensate for this want of diligence and efficiency, that is an additional argument why we should not follow the policy of the hon. Gentleman. There is a third portion of the population not under the influence of the Church, but it is a portion that is not under the influence of any other religious community; and that is a consideration which, when questions of this kind are under the consideration of Parliament, we must meet. If there be a considerable portion of the population that are practically without the pale of the National Church, can the hon. Gentleman tell us whether any of those sects he admires so much, are acting in a missionary spirit towards that population? He cannot pretend to say so; and are we, who in this House desire to maintain the Constitution of this country, to lay down the principle that because there is a considerable portion of the population over whom no religious body is exercising any spiritual influence, therefore we are to abolish the National Church, which is the only corporation that can offer us any means by which that want may be supplied? I say, therefore, that the argument of the hon. Gentleman, that if the Church of a nation is supported only by a portion of the nation it ought not to be maintained, is not an argument that the Members of this House can accept or sanction. That appears to me, totally irrespective of all higher considerations, to be the most imprudent and impolitic course that we could pursue. The hon. Gentleman has spoken to-night sometimes, apparently, in a tone of derision, and sometimes with considerable respect and appreciation, of the

influence of the Established Church. [Mr. Bright: Not with derision.] I certainly thought that the churches supported by church rates were made objects of derision by the hon. Gentleman, while he spoke of those supported by the voluntary efforts of the communicants in terms of respect and commendation. But I have no wish to misrepresent the hon. Gentleman, or to offer to the House anything but serious argument, of the truth of which I am convinced. One observation on this subject of the influence of the Church. It appears to me that the very marrow of this question, so far as Parliament is concerned, lies in a due appreciation of that influence. We have been of late years very unwilling that questions connected with the Church should be introduced to the consideration of this House, and, in a certain limited point of view, that was a very proper and reasonable course. No doubt, after the great changes that have taken place in this House during the last thirty years, after you admitted Roman Catholics, Dissenters, Jews, and indeed all subjects of Her Majesty, without reference to their religious opinions, the position and character of this House, as regards the Church of England as a religious body, had considerably changed. Before you consented to these changes in the elements of our assembly the House of Commons was a species of lay convocation; and it was very natural and reasonable that we should have before us the condition, discipline, and even the doctrines of the Church of which all were members. But when this great change in our character occurred I can easily understand why the doctrines of the Church should never be brought under the consideration of an assembly, the members of which did not belong to that Church, and even the discipline as rarely as possible. But though the spiritual influence of the Church of England is not a matter that should be introduced into our debates, it is impossible to shut our eyes to the social and political influence of that Church. And any man who attempts to shut his eyes to the social and political influence of the Church of England will, in his speculations on public affairs, omit one of the most important elements that can enter into the government of the country. I will not merely say that the social and political influence of the Church of England must necessarily operate beneficially for the community, for that may be said truly of every Church. I will not merely say that the tenour and character of its doctrines naturally lead to tranquillity, peace, and order, for that may be said truly of every Church. That may be said truly of the Church of France. No one doubts that the 36,000 *curés* of France are men generally devoted to the welfare of the people of that country, and that they exercise a beneficial influence on society. No one doubts that the general tenour, character, and tendency of the higher members of the hierarchy of every Church on the Continent are favourable to tranquillity and order. But there is one peculiarity in the Church of England which we should take into consideration when the opinion that we ought to separate Church and State is enforced, not merely as an abstract position, and it is this—that though the Church of England is connected with the State, it is independent of the Government. It is the boast of England that though our Government is weak our society is strong. It has been said of continental nations, and very truly, that there Governments are strong, but society weak. The consequence of having a strong society is, that you have local government and public liberty. You have that national character, which is the peculiarity of England, and which is a consequence of local government and public liberty. I cannot contemplate without apprehension the consequences to our society if you were to withdraw the influence of the Established Church, as one of its most important elements. The change that it would produce in our peculiar society and in our national character would be such, that I doubt whether the most far-seeing and profoundest men most versed in public affairs could possibly anticipate it. What would be the result of following the policy now recommended in so off-hand a way? If hon. Gentlemen believe, as I believe, that this Church, which, though connected with the State, is independent of the Government, is one of the strongest elements of our society, and one of the best securities for local government and public liberty, they will hesitate before they sanction with such facility as heretofore the theories which are recommended by the hon. Baronet who promotes this Bill. Is this a time of all others when it can be the interest of Parliament to weaken the social elements of this country? I do not want to indulge in alarming views of the future. They are so serious that there is no man in this House and no think-

ing man out of it, who is not impressed with the contingencies that may arise. Sir, I trust in Providence that our affairs may be guided with such wisdom and discretion that, whatever may occur, whatever changes may happen, this country will long avoid sharing in those dangers and struggles that may arise. But I am sure that the younger Members of this House will meet during the last portion of this century a period of time which will contrast with that in which we have lived. That has been a period of reaction from former struggles—a period of tranquillity, prosperity, and progress. Happy should I be if I could think that the future half of this century will resemble it. But no thinking man can shut his eyes to what may be the impending struggles of the world; and, Sir, are we at such a moment to tamper with one of the most powerful of our institutions, and to which, contrary to the opinion of the hon. Gentleman, I believe the great body of the people of this country are wedded with deep affection, with the conviction that it has operated for four centuries greatly to the advantage and benefit of this country? The hon. Member has contrasted the action of the Church with the very meritorious efforts and influence of some sects of recent origin. But we must remember that to-night we are considering the position of an institution that has existed for centuries, and the prescription that surrounds it proves the deep root it has taken, and the wisdom that has hallowed its existence for countless generations. Is the House prepared to take a step that may weaken and shatter the social fabric of this country? I do not believe that, when the House considers this question in a deeper and maturer spirit than it has hitherto done, it will sanction the rash and ruinous proposition of the hon. Member for Tavistock; and I trust that in the division we shall come to we shall be able to reassure the mind of the country, and not reduce those means by which in the hour of danger we may be best enabled to show that firm and constant spirit which has before preserved this land.

Sir JOHN TRELAWNY, in reply, said, at that late hour (twenty minutes to twelve) he would not detain the House by replying at length to the arguments which had been adduced on the other side; but a personal appeal had been made to him with respect to the Liberation Society which he felt it right to notice. He was not a member of that society. Were he living in an entirely new country, or were he about to found a colony, he certainly would have no connection between the Church and the State; but in this country he found an ancient system in existence, and he could not be a party to releasing the power which the State had over a religious trust fund; otherwise, how would it be known what the clergy would do with respect to education? He did not identify himself with the Liberation Society, nor did he concur in all the views which had been expressed by Dr. Foster and Mr. Samuel Morley, before a Committee of the House of Lords; but he believed that the association comprised men who sought honestly and openly a certain end, and he had every reason to respect, and the House and the public ought to respect Dr. Foster, for his outspoken sentiments; the expression of which, however, had undoubtedly increased his (Sir John Trelawny's) difficulties in conducting his case. Whatever might be the result of this Bill, practically speaking he believed church rates were gone. It could not be supposed that Dissenters would allow them to be imposed, whenever fortune placed within their reach the means of successfully resisting them. The House would do well to send this measure to the House of Lords. He believed the opponents of the measure were chiefly influenced by a desire to stand well with the clergy, which they would not do unless they once more divided the House. Possibly the House of Lords would not accept the Bill; but if they did not, they certainly might do worse. They would probably have another measure embodying substantially the principles he enforced; and that House would then be asked to consider them in another form. Far better would it be to pass the present Bill, and settle the measure once and for ever.

Mr. T. DUNCOMBE said, it had been his intention to have proposed a clause to the effect that church rates should not be defrayed out of the poor rates, and he believed that the hon. Baronet, to a certain extent, approved of the principle of the Amendment; but, owing to the rules of the House, he was prevented from proposing the clause on that occasion. He was informed that at the present moment there were 400 parishes in England and Wales which paid their church rates out of their poor rates. In the Metropolis there were between forty and fifty parishes—some of them, it was true, under the protection of local Acts—

which did the same. He maintained that this was not only a robbery of the poor, but it was a fraud upon the law itself, and it was with that conviction that he wished to propose the clause. In point of fact, the Bill would not effect the abolition of church rates unless such a clause were introduced into it. The right hon. and learned Member for the University of Dublin (Mr. Whiteside) had stated that it was the Birmingham Political Union and the Liberation Society which had produced and sustained the church-rate agitation throughout the country. He did not know whether he should shock the right hon. and learned Gentleman or not by making the avowal, but he could only say that in 1831 he was a Member of the Birmingham Political Union, and he was at that moment a Member of the Liberation Society. He would take upon himself to say that the Birmingham Political Union never interfered with the question of church rates at all. The real cause of the agitation lay in the stringent measures which were taken to enforce them some years ago. The imprisonment of Messrs. Thorowgood and Baines called the attention of the public to the matter. The former was imprisoned in Chelmsford gaol for three years, and the Bishop of London would not release him till he had purged himself of his contempt of the spiritual court. The Member for Oxford at that time (Sir R. Inglis) would hardly believe that Mr. Thorowgood could be sincere and conscientious in the matter, but having gone down to Chelmsford gaol and convinced himself to the contrary, he came back to the House and stated that he believed the man's imprisonment to have been caused by a conscientious objection to the payment of church rates, and the consequence was, that a Bill was brought in to prevent people who refused to pay them having to purge themselves of their contempt of the spiritual court.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 235; Noes 226; Majority 9.

Main Question put, and *agreed to*.

Bill read 3°, and *passed*.

STOCK JOBBING BILL.

LEAVE. FIRST READING.

Mr. BOVILL said, he rose to ask leave to introduce a Bill to repeal so much of the statute relating to stock jobbing as prevents persons selling and disposing of stocks or other securities, of which they are not possessed. He did so in order to raise the question whether there should be a total or only a partial repeal of Sir John Barnard's Act. It was uncertain what the intentions of the Government, with respect to Sir John Barnard's Act, were, for they had given no less than three versions of what were their intentions upon the subject. The Secretary of the Treasury had stated that what Government desired to legalize were simply those transactions which were *bonâ fide* dealings in stock; but that seemed to be already sufficiently done by an Act of Parliament then in force, and passed in 1845. He desired to retain the principle of the Bill of 1845, the provisions of which were very stringent against gambling on a small scale, while he did not wish to relax those provisions of Sir John Barnard's Act which were directed against gambling on a large scale. The question he wished to raise must, he understood, be decided before the second reading of the Government Bill for the entire repeal of the Act in question, because, after it had reached that stage, it would not be competent to introduce a Bill for partial repeal. If his Bill were carried forward, the House would have before it two propositions, one for repealing the whole, and the other a portion of Sir John Barnard's Act, and the House would then be able to decide between them.

Mr. LAING said, that the object of the hon. and learned Gentleman seemed to be the same as that of the Government in wishing to repeal Sir J. Barnard's Act. There was, therefore, no objection on the part of the Government to the first reading of the Bill.

Leave given.

Bill to repeal so much of the Statutes relating to Stock Jobbing as prevents persons selling and disposing of Stocks or other Securities of which they are not possessed, *ordered* to be brought in by Mr. Bovill and Mr. Macaulay.

Bill *presented* and read 1°.

PARLIAMENTARY BOROUGHS.—(ASSESSED TAXES, &c.)

RETURN MOVED FOR.

Mr. MACAULAY said, he wished to move for a Return from every Parliamentary city and borough in England and Wales, showing the total number of male persons in each who were charged to any of the assessed taxes, or to the income tax under schedule B and D respectively, for the year 1859-60; how many of such per-

sons were assessed to the poor's-rate upon a gross rental of £20 and upwards; how many upon a like rental of £10 and under £20; how many on a like rental of £6 and under £10; how many under £6; and how many were not occupiers of tenements rated to the poor. They had already Returns of the total amount of direct taxation paid by each borough, but no return showing the number of persons by whom it was paid, or how many of them were on the registry, or were tenants or occupiers. He understood there would be some difficulty and expense in obtaining the Return; but the information would be so valuable that a little difficulty and expense ought not to stand in the way. These classes of taxpayers were very numerous in all large towns; and, when adding to the constituencies, they could not decently omit them.

Mr. LAING said, the only difficulty in acceding to the proposition arose from the fact that the Return from the collectors of the Inland Revenue would occupy a considerable time, and the Revenue officers were not in possession of the poor-rate books or the registry. Still, the Government would not offer any opposition to the Return, believing the information important. Every effort would be made to obtain it as soon as practicable.

Mr. AYRTON said, he thought the Return would be perfectly fallacious; it would not identify the recipients of dividends from the Funds, shareholders in public companies, or those who received incomes from personal property. The Return would lead to most erroneous conclusions.

Mr. BOUVERIE contended that the procuring of these Returns would involve a great amount of labour, and necessitate an expenditure of considerable magnitude. Moreover, such delay would necessarily take place that before they could be presented they would be practically useless. He spoke from experience when he stated that it was impossible ever to procure satisfactory Returns of this nature from unpaid officials.

Mr. MACAULAY explained that he had no intention to ask for a Return of the names of shareholders in a company. All he wanted to obtain was a list of the persons who were actually visited by the tax-gatherer, from which a comparison could easily be made with the rate-books by experienced persons.

Sir FRANCIS GOLDSMID thought that the Return would involve very considerable difficulty and expense, and that it would not be satisfactory when made.

Mr. MOWBRAY said, if the right hon. Gentleman (Mr. Bouverie) had spoken as the representative of the department which had more immediate cognizance of the matters referred to in this Return, his opposition to the Motion would rest on intelligible grounds; but, as the Government had intimated no reluctance to the ordering of these Returns, he thought the opposition of the right hon. Gentleman was somewhat uncalled for. No objection whatever had been made on the question of church rates to the collection of information which was procured by unpaid officers; and even if a trifling expense were now incurred by the same course, he did not think the country would be deterred by that consideration from obtaining the fullest possible intelligence with respect to the probable results of the great change which was to be made in the national institutions.

Viscount PALMERSTON: I think it is clear that the production of the Return which the hon. and learned Gentleman has called for will be attended with much difficulty and with a considerable lapse of time; and it is possible, also, that when it is produced it will, to a certain degree, be imperfect for the purpose for which it is required. At the same time, on a subject of this nature, and when the information is considered to be desirable in reference to the very important measure which is under the consideration of Parliament, I think the House will not be disposed to object to the production of these Returns.

Mr. NEWDEGATE said, great trouble would be entailed on the parochial officers in preparing the required information, and the House would probably not refuse, under the circumstances, to sanction a moderate claim for expenses, if such should be preferred.

Motion *agreed to.*

Address for "Return, for every Parliamentary City and Borough in England and Wales, showing,—

1. The total number of male persons in each who were charged to any of the Assessed Taxes, or to the Income Tax, under Schedules B and D respectively, for the year 1859-60;

2. How many of such persons were assessed to the Poor's Rate upon a gross rental of £20 and upwards;

3. How many upon a like rental of £10 and under £20;

4. How many on a like rental of £6 and under £10;

5. How many under £6;

6. And how many were not occupiers of tenements rated to the Poor.

JEWS ACT AMENDMENT BILL.

THIRD READING.

Order for Third Reading read.

Mr. T. DUNCOMBE moved the Third Reading of this Bill.

Mr. SPOONER said, he objected to its being proceeded with at such an advanced hour (twenty minutes to one o'clock).

Mr. T. DUNCOMBE said, he understood from the Colleague of the hon. Gentleman that the Bill was not to be further opposed.

Mr. NEWDEGATE explained that, in deference to the opinions of the right hon. Members for Oxfordshire and Cambridge, he had determined not to offer any opposition to the Motion for the Third Reading, and therefore he hoped his hon. Colleague would withdraw his also.

Motion *agreed to.* Bill read 3° and *passed.*

House adjourned, at a quarter before One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, April 30, 1860.

Minutes.] Public Bills.—1ª Jews Act Amendment; Church Rates Abolition; Church of England and Ireland (Rites and Ceremonies). 3ª Marriages (England and Ireland); Divorce Court.

SMITHFIELD MARKET.

MOTION FOR ADDRESS.

Lord EBURY *moved*—

"That an humble Address be presented to Her Majesty, praying Her Majesty to be pleased to direct that the vacant Site of Smithfield Market shall be appropriated in such a Manner as will conduce to the Health and Recreation of the Inhabitants of the Neighbourhood."

The noble Lord said, it would be in the recollection of their Lordships that, shortly before Easter, he asked Her Majesty's Government whether the report was true that they intended to consent to a proposal of the City authorities to build over a portion of the site of Smithfield market, and appropriate it for a dead-meat market. The answer he received was that such a plan was in the contemplation of Her Majesty's Ministers. He heard that answer with much surprise and regret—with surprise, because he thought he had received assurances, both from the present and the late Government, that no part of Smithfield market would be permitted to be built over—and with regret, because the smallest portion of open space, if it were but half an acre in extent, was of the utmost consequence in this crowded Metropolis, although to the owners of many broad acres in the country it might appear but an unimportant matter. If the Government permitted one single rood of land in that part of the City to be encroached upon, when it might be kept an open space, they would do an act of positive cruelty. He did hope, therefore, that the Government would reconsider their decision, and preserve the whole of that valuable space open. He (Lord Ebury) with others strove nearly twenty years ago to drive the City authorities to remove the cattle market from Smithfield, in which tame beasts were converted into wild ones, and ever since the City authorities had themselves been driven away, he had been watching the spot as a cat watches a mouse, and had taken all the steps he could to prevent them from re-occupying a ground which should be devoted to the health and recreation of the inhabitants. Through the authorities of St. Bartholomew's Hospital, and the Rev. Mr. Rogers, who had established such admirable schools for the poor of that neighbourhood, this case had been frequently urged upon the City Corporation, and upon more than one department of the Government. In 1856 he (Lord Ebury) introduced a deputation to the noble Viscount, now at the head of the Government, on the subject of the appropriation of this space, which comprised the Sanitary Inspectors, the School Inspectors, the Secretary of Bartholomew's Hospital, and the Playground Society. They were received by the noble Viscount with great good will, and left his house with the assurance that he entirely concurred with them, and that he felt great interest in the matter. Hearing another rumour afterwards about it, he (Lord Ebury) wrote to the noble Earl who had succeeded the noble Viscount as head of the Government, and received a letter from him, the purport of which was, that nothing would induce the Government to do anything to dispose of the site of Smithfield Market, otherwise than for the health and comfort of the inhabitants. He had endeavoured, but without success, to induce the Government to take possession of the ground, and settle the question at once, because then only

would there be security for its being permanently kept open for the benefit of the public. A question had arisen whether the site, after it ceased to be a market, reverted to the Crown or remained to the Corporation. The law officers of the Crown had been consulted, and had declared there was no doubt that the site actually belonged to the Crown. The Corporation, although they demurred to that opinion, could not bring forward any reason for disputing the claim of the Crown. They had, however, made various attempts to appropriate the whole or a portion of the site to the erection of a dead-meat market, or to other purposes, and a good deal of correspondence had passed between them and the Government of the day on the subject. Now, if this ground, which was formerly used as a cattle market only on certain days of the week, was to be appropriated for a dead-meat market, and partly built over, it would be like the unclean spirit who had been cast out returning there with seven other spirits worse than himself, and the last state of that place would be worse than the first. A Committee was appointed in 1854, of their own body, by the then Government, composed of Mr. Cowper, Mr. Brandt, and Mr. Massey, all distinguished Members of the present Government. The Committee said they were of opinion that the site of the market should be kept clear from buildings, and strong reasons could be given for their arriving at such a conclusion. It was stated recently in the other House that forty boys had been taken into custody by the police and committed to Bridewell within the year for playing at "tip-cat" and "rounders" in the public streets; but unless some playgrounds or open spaces were provided in these wretched localities the poor children would be prevented from having any healthful out-door exercise, and from enjoying the very few happy moments of their not very happy existence. To deprive them of such recreation, or if they did attempt the enjoyment of exercising their youthful limbs in running and jumping to send them to prison was absolute cruelty, and it was not surprising that when boys, who had been debarred from these enjoyments, grew up, they should be unhealthy, discontented, and miserable. He could not understand why the authorities of St. Bartholomew's Hospital did not petition against the proposed building; and he was afraid some kind of influence had been exercised over them. It was almost impossible to struggle successfully against the Corporation of the City of London, for when they had determined to do any particular thing they were always able to accomplish it somehow or another. But, as this was a question of public health, he hoped the Government would be induced to reconsider the unfortunate decision to which he understood they had come, and that they would preserve as much of the site of Smithfield market as they possibly could from the encroachment of buildings. He did not know what legal difficulties were in the way, but let it once be known that Her Majesty was willing to waive her rights in order to keep Smithfield as an open space for the recreation of the poor in the neighbourhood, and the Corporation of the City would not dare to go to law upon the subject. The noble Lord concluded by moving his Address.

EARL GRANVILLE was understood to say that it was all very well for the noble Lord to say that the Government had failed in their duty in not securing the site of Smithfield; but in fact a compromise had been entered into between the Government and the Corporation of the City of London subject to the approval of Parliament, whose assent would be asked to a Bill introduced for that purpose. Under those circumstances it would be improper for the Government to depart from the arrangement that had been come to, by which a large portion of the area of Smithfield would be kept free from buildings, in order to afford the inhabitants of the neighbourhood the benefit of fresh air. The noble Lord should remember that the City of London had expended large sums of money upon the locality and were entitled to a voice in the disposal of the ground. He hoped, therefore, that the noble Lord would withdraw his Motion for an Address to the Crown.

THE EARL OF SHAFTESBURY said, the answer of the noble Earl was most unsatisfactory. He protested against giving up one square inch of the site of Smithfield market to be built upon, and maintained that it was the duty of the Government, from a regard to the interests of public health and public morality, to resist to the utmost any encroachment on the part of the somewhat arrogant Corporation of the City upon the present open area. On what ground was any portion of the site to be built upon, interfering as such a proceeding would do with the enjoyment of 10,000 persons resident in a

very crowded part of the metropolis? For years past Committees and Commissions had been inquiring into the sanitary condition of the people, and every Report that had been presented stated that open spaces affording the means of fresh air, ventilation, and exercise were essential to the health of populous towns and cities. Now, however, in a part of that vast City, surrounded by every noxious influence engendering disease and death, there being an opportunity of preserving such an open space, it was proposed to give it up to this Corporation, to be covered with a dead-meat market. It had been said in favour of the salubrity of a dead-meat market, that butchers and their families never died of consumption. Perhaps not; but it should be remembered that butchers and their families took good care to eat plenty of fresh meat every day. That was a very excellent preventive which poor people had not the means of obtaining, and therefore they could not withstand the effects of the pestilential atmosphere which surrounded them. He would give their Lordships some idea of the state of the population bordering on Smithfield, to enable them to judge how indispensably necessary for the comfort, health, decency, and order of these unfortunate people it was that this area should be preserved free from buildings. The rev. incumbent of St. Peter's, Saffron Hill, adjacent to Smithfield, stated that his district, which was only 300 yards in length by 200 yards in breath, contained a population of 10,000 souls; and that was only a sample of the crowded state of the whole surrounding neighbourhood. All sorts of manufactures and processes, which required an open space in their vicinity to admit of fresh air, whereby the health of the inhabitants might be preserved, were carried on in that locality. The whole of the district in question was beset with slaughter-houses, which, it was well known, engendered fever and other diseases. It was full of what were called gut-spinning manufactories, than which nothing could be more offensive. There also were many skin-dressing and bone-boiling establishments, and knackers' yards. He did not know whether the noble Lord opposite had ever been to a knacker's yard, and knew the effects it produced on his nose, his feelings, and general physical system. In short, there was a combination of almost every element of evil influence surrounding the population of this district; and, as the opening of Smithfield market had been a perfect godsend to them, the building of it up would be a downright curse. In his opinion the space should be laid out in walks, planted with trees, shrubs, and flowers, in order to serve as a place of recreation for the population in that district, who had at present two or three miles to go for a mouthful of fresh air. It was established by universal testimony that a very large proportion of the intoxication which prevailed among the population of London arose from the state of the localities in which they lived, the foulness of the atmosphere they breathed, and the effects it produced on their general system, necessitating the resort to stimulating drinks in order to keep up the very sensations of vitality. Place the people in a proper sanitary condition, and they would reduce at once seven-tenths of the intoxication and crime which prevailed throughout the kingdom. But this was not all. Their Lordships must recollect that in the immediate vicinity of Smithfield was St. Bartholomew's Hospital, making up 500 beds, to the salubrity of which a free open space would be of incalculable service. The Corporation of the City of London were the trustees and guardians of the funds for the benefit of this Hospital, and were therefore in a manner autocratic in its management; so that the Hospital could not petition against this Bill; but he could adduce the testimony of many of the medical officers of that institution to the effect that fresh air would be of the greatest value to the recovery of their patients, and, without that, cures which might have been effected could not be looked for. They had also to consider the health of not fewer than 1,000 boys, who were congregated together in Christ's Hospital, at that very age when bad air was most injurious to their physical well-being. There were also two prisons in the immediate neighbourhood — Giltspur Street Compter and the Old Bailey—where the bad smells of Smithfield were peculiarly offensive, and where a double punishment was inflicted on the unfortunate inmates, ill-health being induced by confinement in such an atmosphere, and thus depriving the inmates of the means of subsistence when their term of imprisonment had expired. If these considerations were duly weighed, as he had no doubt they would be, their Lordships would hesitate before they assented to provisions which would be essentially detrimental to

the interests of the population, and be largely productive of ill-health, vice, and immorality in the City of London.

EARL GRANVILLE said, that neither he, nor the Government of which he was a member, underrated the importance of preserving a large open space in so crowded a neighbourhood; but the only question under the consideration of the Government was, whether a small part of the site which had been purchased by the Corporation for the enlargement of the market should be given up for a dead-meat market?

Motion, by leave of the House, *withdrawn.*

NATIONAL EDUCATION (IRELAND).

MOTION FOR RETURNS.

THE EARL OF CLANCARTY: My Lords, I do not apprehend that any objection will be offered to the Motion I have to submit to your Lordships for the production of the correspondence that has lately taken place between the Roman Catholic Bishops in Ireland and the Lord Lieutenant regarding the education of the poor. There is no question relating to that part of the United Kingdom upon which it is so important your Lordships should be fully informed—none in which the Irish people have so deep an interest, and upon the conduct of which so much depends the future well-being and progress of the country; but, I must also add, that there is no part of the policy pursued by the Irish Government that so much needs to be reconsidered and reformed as the Department of National Education. The munificence of Parliament in the pecuniary provision it annually makes for that object shows the importance it attaches to it, and imposes a corresponding responsibility upon those to whose direction it is confided. How that important trust has been discharged, and with what success, has been, as your Lordships are aware, a subject of much controversy. On the one hand, credit is taken by Her Majesty's Commissioners for educating very large and yearly increasing numbers of poor children, numbers exaggerated beyond the belief of persons who care to be accurately informed, but by the uninquiring friends of the national system of education readily accepted as evidence of the success of the principle upon which it is founded; on the other hand, dissatisfaction has been constantly felt and repeatedly expressed that the education given is not based upon religion, or in any degree combined with religious training, and that even in imparting literary instruction the system has not realized public expectation; that it is both unsound in principle, and in practice a failure. Such representations, embodied in petitions to Parliament, have more than once led in both Houses to the appointment of Committees of Inquiry; inquiries that have been searching; but I regret to say never productive of any practical result either in refuting charges made against the system or its administration, or in leading to the removal of any grounds of dissatisfaction, however clearly established by evidence. The supporters of the Government, always a majority upon such Committees, have upon every such occasion prevailed to have evidence reported to the House without comment or opinion, happy thereby to elude for the time any further Parliamentary action, it being impossible for Parliament, unaided by a Committee's Report, to give a full consideration to the subject without wading through blue-books of undigested evidence. By such adroit, but not very honest policy, has the Irish system of National Education been preserved through every ordeal of Parliamentary inquiry; and every objection to it, however well-founded, every endeavour to have it so modified as to render it conducive to the intellectual improvement and moral elevation of the Irish population, have been rendered alike unavailing. Even the secession from the Education Board of the Archbishop of Dublin, and those two eminent Irish Judges, Mr. Blackburne and Baron Greene—the causes of whose retirement were among the circumstances that led to the last Committee of Inquiry by your Lordships—was unproductive of any change. The loss of these three, the most respectable of the Commissioners, was apparently considered by the Government as a lesser evil than the inconvenience they might be put to in attempting the correction of the abuses complained of. They probably felt that the education system had been originally framed in 1832 with the avowed object of obtaining the utmost support from the Roman Catholic Clergy; that the principle of the Church of Rome regarding the reading of the sacred volume had, in that view, been adopted as the fundamental rule of the system, and that the Protestant Clergy had thus been

compelled to separate from the state in the work of education, and that it was, therefore of comparatively little importance whether the Commissioners I have referred to, respectable as they were, were also compelled to separate from the board, or whether the interpretation they objected to of a particular rule regarding books of general instruction were adhered to or not, after the authoritative exclusion of the Bible from every schoolroom open for united education. But the Government, having in the outset, in order to obtain the support of the Roman Catholic Clergy, thrown over the co-operation of the Clergy of the Established Church, and since forfeited the confidence of a section of the Protestant laity, represented by the seceding members of the Commission, your Lordships will learn with surprise, from the correspondence I am about to move for, that the principle of the National system is now declared to be not even acceptable to the Roman Catholic body; that it is, in fact, repudiated by the hierarchy of that very Church whose good-will and co-operation has been so eagerly courted and sought to be propitiated by the sacrifice of Protestant interests and Protestant principle; so that instead of support the Government are henceforth to look for opposition from the Church of Rome to their plan of united education. Surely, my Lords, the present is an occasion on which the whole subject ought to be carefully reconsidered; yet it is said that no change whatever is to be made. I trust that no such determination has been come to; for I would ask, where can you now look for support? Do you expect to receive it from the resident gentry and landowners of Ireland? The friends of the Board among them are either very few or very little disposed to give you any assistance. Judging of their zeal by the amount of their pecuniary subscriptions, it is very small indeed. Referring your Lordships to the latest Report, that for the year of 1858, of the Education Commissioners, you will find that even while the Roman Catholic Church was supposed to be in cordial alliance with the Government on the Education Question, the whole amount of local subscription over the entire of Ireland was only between £10,000 and £11,000, not much more than 8*d.* in the pound, or one-thirtieth part of the expenditure on National education, and less than one-tenth part of the amount annually subscribed and applied through other agencies for the purposes of education upon religious principles without any aid or encouragement whatever from the Government. Do you look to a cordial and grateful acceptance of your schools by the poor? This I admit, would be a very justifiable course. If popular the schools would probably be efficient, but are they either one or the other? Your Lordships, glancing at the first pages of the Report of the Commissioners that I have already referred to, would probably be impressed with the belief that the National system was extremely popular, for you would find that the number of the National school pupils had from the beginning been constantly increasing, until in 1858 it reached to as many as 803,610; but those figures, which abstractedly considered would make Ireland appear in a fair way of becoming the most educated of nations, I am sorry to say can in no degree be relied on. Let me refer your Lordships to impartial and, therefore, more trustworthy evidence. Your Lordships will find by the Census Report on ages and education, presented to Parliament in 1856, that the total of the Irish population of all classes, between the ages of five and sixteen, was 1,870,988, and that of these the whole number that attended schools was less than 25 per cent, or 460,595, a number not much more than half of what the Commissioners Report as National school pupils, but from which should be deducted not only the children of the upper and middle classes, but also such of the children of the poor as are educated by the Church Education Society, the Christian Brothers, and other charitable institutions; so that the whole number of those that attend the National schools would, probably, be considerably under one-third of that reported to your Lordships as National school pupils. Where, then, did the Commissioners find *data* for reporting their number as amounting to 803,610? Two-thirds of them at least must have been of the same substance as Falstaff's men-in-buckram. The Census Commissioners are very particular in their enumeration, and give an exact Return not only of those that attend schools, but of those that attend no schools, which they set down as 1,410,397, or more than 75 per cent. Now, contrast this with the Education Return for England of the same year, and we find that of 4,005,716 children from five to fifteen years of age, 2,144,378, or considerably more than half, are school pupils. Hence it ap-

years that in Ireland the proportion of children that attend schools is less than half what it is in England. Which, then, my Lords is the more popular system of education? That which, as in Ireland, attempts to enforce a united education, or that which, as in England, aids and encourages denominational schools, leaving it at the option of parents to choose where they will have their children instructed? I think it cannot with any truth be affirmed, that the present system of education in Ireland is generally acceptable to the poor. Nor do its results afford any more encouraging view of its merits, for, although very much has been done by private effort and by charitable associations, apart from the National Board, for the furtherance of education among the poorer classes, there appears by the last census to have been a very small advance in the course of the previous ten years—and in the county of Londonderry, and in several large towns, an actual increase in the proportion of illiterate persons in 1851, as compared with 1841. Why is this? The obvious inference is, that the system of education is not suited to the requirements of the country. Her Majesty's Government are now, from the correspondence in their possession, fully aware that the Roman Catholic clergy, the patrons, I believe, of four-fifths of the schools upon whose co-operation they mainly relied, do not approve, and consequently cannot be expected to use their influence in giving effect to a system of education that they only accepted as a lesser evil in their eyes than the Scriptural system of education previously in operation. There is, therefore, a necessity, and the opportunity is favourable, for reconsidering the whole subject. The production of the correspondence I have referred to, I trust, may bring attention to it, and that steps may at length be taken to place the education of the poor in Ireland upon a footing of efficiency, deriving from the clergy of different religious denominations the utmost co-operation in the work upon principles that they can conscientiously approve of. The answer said to have been returned by Mr. Secretary Cardwell to the first letter of the Roman Catholic bishops I have not seen, but a portion of it referred to in the reply of the bishops is very important. They say,—

"Examining your letter we are happy to find that you lay down, and fully admit, on the part of Government, principles of great importance, in which we cheerfully concur. You distinctly admit—1st, The paramount importance of religious education. 2ndly, The necessity of granting in the circumstances of this country, separate religious training to the children of each religious denomination; and 3rdly, The right of the heads of each Church in regard to the religious education of those of their own communion."

Now, these principles, although the third is somewhat ambiguously worded, would not, I think, be generally disapproved of. They are, however, very ably commented upon by the Roman Catholic bishops, who show conclusively how much they are at variance with the regulations and practice of the National Board. I am very far from desiring to see carried out all the requirements of those bishops, or from admitting the amount of ecclesiastical authority they claim in the conduct and management of the education of the people, their right to which they consider Mr. Cardwell's letter fully to recognize; but the example of England abundantly proves how much more successful for every purpose of intellectual advancement, and for the training up of children in the principles of the religion in which their parents desire to have them educated, is a system that admits of the establishment of denominational schools, than the idle attempt, involving waste of public money, to coerce the people into the adoption of united education, upon a principle so much objected to and so difficult of application as that upon which the system of National education is founded. I beg my Lords, to move

"That an humble Address be presented to Her Majesty for,

"1. Copy of any Address in 1859 from the Irish Roman Catholic Bishops to the Lord Lieutenant of Ireland regarding the System of National Education in that Part of the United Kingdom, with the Names thereto subscribed.

"2. Copy of the Answer returned by the Lord Lieutenant.

"3. Copy of any Reply thereto from the said Roman Catholic Bishops."

The Earl of CORK said, that the noble Earl had introduced what might be called his annual Motion on the subject of National Education in Ireland, although he had introduced it at an earlier period than usual this year. The noble Earl contended that great responsibility rested upon those who supported the present system; but he was inclined to think the great responsibility rested on those who, like the noble Earl, had for many years opposed the system. He had listened in vain for any new arguments in support of

the noble Earl's views. He indeed asserted that it had not answered the objects of its founders; but before he asked the Government to abolish the existing system he ought to have been prepared with some policy as a substitute. Although the noble Earl had frequently brought the subject before their Lordships, and had made a plentiful appeal to statistics, yet he had never been able to prove that the system of National education had not been generally supported by the laity of Ireland. On the contrary, on the late election for the county to which he (the Earl of Cork) belonged, the clergy appealed to the feelings of the people on the question of National education, and the people bravely responded to that appeal by coming forward to support the Government system. There had been a steady increase in the number of children attending the schools from the very foundation of the system, and he might state that out of 85,250 children in the schools in the county of Cork, 82,000 were Roman Catholics. He admitted that the system had materially altered since its first establishment, and he could fairly say that he wished the rules originally laid down had been more strictly adhered to; but circumstances might have induced the Commissioners to make changes in the system. What was the present opinion of Archbishop Whately? In a recent charge to his clergy the Archbishop said perhaps it might be thought that, having retired from the Commission, his views had changed, and that he could not conscientiously support the present system of National education. Such however, was not the case, for if the system had always been administered as it was now conducted he should still have been a Commissioner. The noble Earl had referred to the pastoral of the Roman Catholic Bishops; but their opposition was based on an entirely different principle from that of the noble Earl; they did not pretend to say that the system had not done good, or that it had not conferred benefits on the people of that country; but their objections were made to the mode in which the system was carried out, as they alleged that it was unfairly used for the purpose of making proselytes. Whether the system had worked as well as had been expected was a question for Her Majesty's Government; but since the noble Earl (the Earl of Derby) in introducing the National system had largely calculated on the support of the landed proprietors and gentry of Ireland, he (the Earl of Cork) as one of those—he was sorry to say, few—landowners who had supported the system from the commencement, was unable to remain silent when the subject was brought under the notice of their Lordships.

The Bishop of CASHEL said, that as regarded the memorial of the Roman Catholic Bishops, he, on behalf of the great mass of the clergy of Ireland with whom he had been associated in opposition, on conscientious grounds, to the National Board, rose to express their heartfelt thanks to Her Majesty's Government that they were not disposed in the slightest degree to accept the proposition made by the Roman Catholic Archbishop and Bishops; for they put forward their claim or demand in the matter as though they had a right divine to take into their hands the education of the people, and argued as though no one had a right to oppose them in the matter. They put an interpretation on the words, "Go and teach all nations, baptizing them in the name of the Father and the Holy Ghost, and teaching them all that I have commanded you," that was unjustifiable and wrong; and taking this text for their motto, the Roman Catholic clergy contended that they had a sort of prescriptive or divine right to superintend and control the education of the people. But the Church of England, on the contrary, utterly denied that that text of Scripture gave the Roman Catholic or any other Church, or any body of ecclesiastics, any special control over the education of the laity. While they contended, however, that they had no power of this kind, they held that it was, on the other hand, the bounden duty of every Christian minister to put into the hands of every one, and especially the children of their flock, that Word of God in which was written all that He had commanded. The principle of the Church Education Society is that they are bound to teach all committed to their care on Scriptural principles. They considered that the present Government had every right to object to the proposal of the Roman Catholic system, and more particularly so if it was shown that they were not well qualified to exercise the right to which they laid claim. The experience we already possessed of the educational system of the Roman Catholic priests of Ireland did not tend to show that they were the persons best qualified to take up the question of education as a matter of right; and the present state

of education in Ireland went to show that the Roman Catholic clergy were not the best persons in whose hands to place the education of the people. In Ireland there were 4,994 schools under individual patronage and management, and of that number 3,385 were under the management of Roman Catholic priests; so that they had a great field of operation, and great opportunity of showing how far they were qualified to be the teachers of the people. The evidence, however, contained in Returns and Reports of the Government Inspectors on National education in Ireland went to show that, although they had this extensive control over the National schools, they had allowed ignorance to prevail in a way that was hardly justifiable with so much power in their hands. Speaking of a visit to some of these schools, Mr. M'Creedy, one of the Inspectors, not hostile to the Roman Catholic system, said that in a large number of schools under his inspection the rudiments of education, such as reading, writing, and arithmetic, were neglected; that the teaching of grammar and geography was mainly in appearance only; that of forty schools in one district returned as inculcating grammar, there were eleven in which, upon examination, there was not a child present that was able to tell the parts of speech; and that in one-third of thirty-six schools where it was a professed part of the teaching not a single child possessed any elementary geographical knowledge. The Inspector also spoke of the generally inferior character of the education in other schools in other districts. This was the report of an Inspector speaking four or five years ago; but there was more recent information in the two last reports; and Mr. Keenan, another Inspector, said that some of the pupils were utterly ignorant of the simplest details; that though their reading was pretty fair, their knowledge of the matter read was very slight, and that the masters were deficient in firmness, skill, talent, and ability. In one instance he found in a large district only one child acquainted with the parts of speech; in another he reported the proficiency as low as possible: and so on with regard to a number of particular schools. In the last Report that came out in 1858, Mr. Sheridan, one of the Inspectors, stated that in the schools which he had inspected, containing 3,000 children, 63 per cent of the children were in the junior division, reading words of one or two syllables, while the proper proportion of children in that division ought not to have been more than 25 per cent. Mr. Sheridan said that a great deal of this was to be attributed to want of method and judgment on the part of the teacher, and the absence of good method in instructing the junior children. In one instance, 1,400 were returned as capable of writing; but he found that only 9 out of every 1,000 were capable of writing really well and with ease and freedom—a small proportion only being able to write fairly. These were the statements not of persons hostile to the system, but of official inspectors. Another important authority on the subject was the Report of the Commissioners of the Census, from the statistics contained in whose Reports and Returns it appeared that in the principal counties there had been a falling-off in the scale of education since 1841, as regarded male education. Out of 32 counties only 11 showed no diminution as regarded males who could not read nor write. Yet the number of national schools in those counties had increased from 1,505 to 2,971 in the 10 years between 1841 and 1851. The Commissioners say that as regarded the number of the illiterate, they were not to be found so largely among those who had attained to the older terms of life as among the younger and earlier, that is, those who were under the care of the National Board; as regarded the superintendence given by the managers of these schools, it was purely nominal, and could not be characterized as efficient: occupied with other duties, the clergy exercised only a nominal superintendence, the great bulk of them being Roman Catholic clergy. One of the head Inspectors reported that with due vigilance on the part of the managers a better class of men might be found as teachers, but the required vigilance was not exercised. It was evident, therefore, that, looking at the immense expenditure that had taken place, there had been a great failure in the national system of education in Ireland. He regretted that the Government should insist on a rule which prevented a larger number of the clergy of the Established Church from taking part in the work of education. It had been stated that the Archbishop of Armagh had issued a letter upon this subject, and he was an authority to whom the whole Church was disposed to pay great respect and attention, when the advice given was not against the dictates of their consciences.

The Bishop of Cashel

The Attorney General for Ireland had attended a great meeting of Roman Catholics in Cork, at which there were twenty-five Archbishops and Bishops, and 500 priests of the Roman Catholic Church and that meeting was opposed to mixed education; but the right hon. Gentleman, when he became connected with the Government, took the other side of the question of education, because the Government did not like the Ultramontane system. The consequence was that an opposition was got up by the priests to his return to Parliament, but a great number of Protestant electors supported him. He, on that occasion, read a lecture to the Ultramontanists, saying that it would be better for them to retire from the field, and follow the example of the clergy of the Established Church, who had, he said, honourably surrendered their arms and retired from the contest in consequence of the letter of the Protestant Primate. That, however, was not the fact, for they had not surrendered their arms, but were ready rather to cry, "No surrender;" and he hoped and trusted that Protestants would rally round them, and give their support even to a greater extent than they had done before. Indeed, they had never got such large contributions as since the last annual meeting of the Church Education Society. The question at issue was one of principle, and the Established clergy, while far from being willing to join in a confederacy with the Roman Catholic Church to upset the National Board, would never lay down their arms until the system of National education in Ireland was placed upon a sound footing.

The Earl of CARLISLE: My Lords, I do not propose to enter into the general question of the duty of supporting the system of National Education in Ireland, because that question, which is as important and momentous as any that could be raised, should be brought forward, if at all, in some more distinct and specific shape. The opinions of Her Majesty's Government upon that subject, and upon the present position of the question in Ireland, are clearly and fully stated in one of the papers which have been moved for by the noble Earl opposite—a paper written by a right hon. Gentleman in the other House, with whom I have the pleasure of acting as a colleague, as a reply to the first letter of the Roman Catholic prelates. The noble Earl who introduced the question to-night has asked whether it is really true that the Government mean to introduce no change into the system of National education in Ireland. My reply is that it is the firm intention of Her Majesty's Government, whether in England or in Ireland, to adhere to the principles upon which they have uniformly acted with re-respect to the system of National education in Ireland. For myself, I may say that, by reason of my long—though not unbroken—connection with Ireland, I have always felt a warm interest in this important subject. Those principles, as I understand and entertain them, are to give the advantages of as good a secular education as can be procured to all who are willing to receive it—to give to all opportunities and facilities for specific religious instruction, without making religious instruction compulsory on any. We feel that instruction in religion—instruction upon those duties which should regulate the conduct of persons in life, and inspire hopes for hereafter—is of too high, important, and paramount a nature to be imparted except by the full consent and authority of the parent. The noble Earl has himself stated—and it is patent to all—that in upholding these principles we have often found ourselves with great regret bound to oppose the views entertained by excellent and eminent prelates of the Established Church; and of late it is equally notorious that we have felt ourselves equally called upon to act in opposition to the unanimously expressed opinions of the prelates of the Roman Catholic Church. Our adherence to the leading principles of the National system of education in Ireland we hope to continue unimpaired; but if at any time, from any quarter, from one side or another, there should be laid before us any propositions for practical improvements or any objections to existing practices, we should, so far as they might not be inconsistent with the principles I have stated, be always willing to give them a fair and candid consideration. If we found them trench upon the principles vital to the present system we should decline to entertain them. At all events no such change would be introduced without it being first communicated to Parliament. The noble Earl who made this Motion stated that the system of the National Board, which he has consistently opposed, has survived every inquiry and every attack. Surely that fact raises some presumption that it is founded upon principles which have inherent truth and authority in them.

The right rev. Prelate who has just sat down has quoted several extracts from the Reports of Inspectors under the National Board, which certainly were not flattering to the schools to which they referred. I think it is, at all events, satisfactory to see that the servants and officers of the Board used the most perfect frankness, candour, and plain speaking, in representing the state of things exactly as they find it, and do not flinch from pointing out defects which have met their observation. But defects in education are not confined to the children of the poor; there have of late been brought to light under the working of the competitive system mistakes in grammar, in writing, and in various branches of knowledge, which show that those defects are not confined to the poorer class, but are found in classes in which we should be less justified in expecting them. I have no doubt that a great number of these schools stand very much in need of improvement; but the friends of the National system feel very confident that the average condition and quality of their schools is not inferior to those of schools managed under different systems. The right rev. Prelate has always manifested a consistent and devoted attachment to the schools belonging to the Church Education Society. Now, certainly, the Friends of the National system are pretty confident that upon any fair comparison of the average merits of the two classes of schools theirs would not be found inferior. The right rev. Prelate quoted some unfavourable notices from the Report of the Commissioners of the Census of 1851. We are now approaching another Census in 1861, and I hope that the state of things will then be found to have very much improved. I know that in the interval which has elapsed since 1851 great pains have been taken, especially with the training of teachers, which must have a vital influence upon the condition of the schools which are placed under their care and direction. I entirely agree with the right rev. Prelate that it is much to be lamented that the great portion of the National schools in Ireland have not received the co-operation and assistance of the clergy of the Established Church. No one laments the alienation of the clergy from the National system more than myself; and I trust, notwithstanding that a contrary expectation seems to be entertained by the right rev. Prelate, that their opposition is about to be greatly modified. I know that the Board are constantly receiving important adhesions from among the clergy of the Established Church. I have little more to say upon the present position of the question, except that I wish the noble Earl could have included in the papers for which he has moved—although I do not say that he could have done so—the letter which was written by the Lord Primate of Ireland to the clergy of his diocese. I do not know that I am justified in bringing it directly under the notice of your Lordships, but, as the question of National education has been mooted, I cannot refrain from expressing my deep satisfaction that that excellent Prelate, before he closes—and distant be the day when he shall do so—before he finally closes his career amidst the respect and love of all who have watched its long continuance, has been enabled to bequeath to the Church which he has upheld and adorned such a legacy of peace, wisdom, and charity.

Viscount LIFFORD said, he believed that the system of national education, as originally introduced into Ireland by the noble Earl (the Earl of Derby) was as good a system, both as regarded secular and religious education, as could possibly be devised; and he knew that where that system had had fair play it had proved eminently successful. This fair play, however, had been very seldom obtained. The continual concessions made had induced the priests and prelates of the Roman Catholic Church to think that they might obtain still more. First, the "Scripture Extracts" had been withdrawn in a great measure from the schools, and, in the next place, the "Evidences of Christianity," by the Archbishop of Dublin, had been omitted. Since then, national schools, which had been established adjoining nunneries and Roman Catholic chapels were allowed to have the distinctive services or portions of the Roman Catholic service read in them; whilst a Protestant proprietor was not allowed—as had happened in his own case—to have the Protestant service in a National school-house on a Sunday, although on that day it was used for no educational purposes. There were many other causes of complaint. A continual effort had been made to remove the schools from under Protestant proprietors, and to remove Protestant schoolmasters, and replace them with Roman Catholics. A certain schoolmaster was charged with writing threatening notices for the Ribbon Society, but was released on bail for six months,

and during those six months he continued to hold the office of national schoolmaster. There was a noble Earl (the Earl of Arran) who took a deep interest in the prosperity of Ireland, and he had one of the most excellent National schools under his management. He was, however, continually tormented with reports of the district Inspector. He (Viscount Lifford) visited the school, and found it one of the best that he had seen; and almost all the neighbouring clergy, though opposed to the National system, reported in its favour, and one of them said that this school was of so high a character as to be considered as a kind of university, for any young man who passed through that school took a higher standing than he could procure from any other. The same Inspector, who continued in his office the schoolmaster charged, and justly charged, with Ribbonism, brought a most unfounded charge against Lord Arran's schoolmaster, and unless the parties had been threatened with indictment for conspiracy, he would have been removed. Twenty-two years ago he himself established a national school in a very wild part of Ireland, and for sixteen years that school was very successful, having a good attendance:—more than nine-tenths of the children being Roman Catholics, but no Roman Catholic parent made any objection. After sixteen years, however, the National Board set up an opposition school adjoining a Roman Catholic chapel, and managed by Roman Catholic priests, and of course all the Roman Catholic children were withdrawn from his school. He had received a letter from the Board, stating that the school about which he inquired was not a Roman Catholic one. This was a quibble. By a rule of the Board no school was taken under its charge for six months after it was built. The six months had not expired in the case to which he referred, but it did expire in a very short time after the correspondence, and the school was opened as a National school. He then asked leave to remove his school into another district, but the Commissioners refused him permission to do so on the ground that the proposed school would be too near two other National schools, the priest's school being a full quarter of a mile nearer to both. In a conversation he had had with a Roman Catholic Inspector of National schools, that gentleman expressed his pleasure at the success of the system, because it was depriving the priest of his influence. He (Viscount Lifford) said that, although a Protestant, he was sorry for it, because, though it was destroying the influence of the priest, it was supplying an influence that was no better. Their Lordships had, perhaps, read accounts stating that no less than a million of Roman Catholics in America had abandoned that religion. He feared there was not much cause for satisfaction in the circumstance, because he believed that most of them had either joined some of the objectionable sects that existed in that country or become infidels. There could be no doubt that the present state of things as regarded the working of the system of National education in Ireland was unsatisfactory. He wished to know who was responsible for disallowing the reading of the little book on the *Evidences of Christianity*, written by the Archbishop of Dublin. He could not sympathize with those who opposed the National system on religious grounds. He did not think it was a Christian duty to refuse secular education to children whose parents dissented from the religious instruction given in a school. He rejoiced to hear the Lord Lieutenant of Ireland say that the Government had no intention to change the system. He believed the position of the Government on this subject was a strong one. Although there were undoubted defects in many of the schools, still the people of Ireland had tasted the benefits of education, and would look for those benefits where they could be best obtained. But he begged the Government to consider on the one hand whether the repugnance of the party represented by the noble Earl near him to the National system, and, on the other, whether the unreasonable demands of the Prelates of Ireland had not been caused by the unjust concessions which the Commissioners had continually made to the Roman Catholic body.

The Bishop of DERRY said, that as one of the Commissioners of National Education in Ireland, he wished to offer a few observations to their Lordships. Not having expected that the noble Earl who had brought this subject forward would make the remarks he had done upon the statistics of the Board, he was not now prepared, as he otherwise would have been, to meet him on that ground. He had been given to understand that the noble Earl merely wished to obtain the documents mentioned in his Motion. As a member of the Board, however, who had had the greatest experience of the working of the system and

of the operations of the Board, he desired to bear his testimony both to the progress and the utility of the National system. He could assure the noble Earl who represented that a fair statement had not been given of the condition and operation of the establishment, that, having attended the meetings of the Board and taken part in its proceedings with his colleagues, he had never seen anything done that was justly open to objection. He had never seen anything like an attempt at collusion. When cases were brought before the Board they were always decided by persons of the greatest respectability and integrity. When it was said that the rules of the National Board prevented the putting of the Scriptures into the hands of the young, he entirely repudiated such a statement. He would refer to the rules and regulations of the Board to bear him out in his statement. No candid man could read the rules and regulations of the Board, especially those connected with the secular and religious instruction imparted to the children, without being impressed with the conviction that if he honestly carried out the National system as it was there propounded, he would have perfect liberty to place the Scriptures in all their integrity in the hands of his own children. Whether the schools were vested or non-vested, there was an opportunity of giving religious instruction in them. In the case of the vested schools, whose fault was it that the Protestant portion of the community had not the Scriptures put into their hands? He was sorry to say so, but it must rest with the clergyman of the parish. In the case of a non-vested school, the patron might be a Roman Catholic, and he might prescribe a particular time for religious instruction; but, if the clergyman of the parish did his duty, the child had an opportunity at that time of receiving religious instruction from his own pastor. Certainly it was not permitted to the clergyman—and God forbid that it ever should be!—to violate the sacred rights of conscience. It was not permitted to him to trample on parental rights or parental authority; but the system gave to all the power of carrying into full and free effect the Divine maxim of doing to others as they would have others do to them. One might imagine from the statements that had been made by some of the opponents of the system that it was an institution rather for deteriorating than promoting the education of the young; but had the reports been fairly quoted it would have been seen that the good greatly preponderated over the evil, while the defects indicated were only those that must, more or less, attach to every system of National education. As an evidence of the progress made by the system in public estimation, he would only appeal to the number of right rev. Prelates who were now its friends and advocates. When he became a bishop of the Established Church only three of the Irish Prelates were found to support the National system; now the tables were happily turned, and it had enlisted on its side a preponderance of the episcopal body. But he did not rest there. He had the satisfaction of informing their Lordships that there had lately been instituted an inquiry in the dioceses of Derry and Raphoe as to the number of the clergy who had subscribed the fundamental rules of the National Board. It was conducted by his own archdeacon, and the subject was fairly canvassed among them. The result was that two-thirds of his clergy had given in their adherence to the principle on which the system was founded. He could not sit down without paying a tribute of respect to the Metropolitan under whom it was his honour and happiness to act. If there was anything in his public life that afforded him greater satisfaction than another it was the noble Letter which had lately emanated entirely and solely from the mind of that distinguished Prelate, recommending that course of candour, tolerance, and forbearance upon this subject which he hoped the clergy generally would follow. Though he did not advocate the National system of education merely on the ground of its success as a mixed system of education, he was happy to say that he held in his hand a document which proved that, wherever the clergy were disposed to act according to the rules of the institution they might have schools quietly and harmoniously carried on with a due mixture of the three denominations of Christians—Roman Catholics, Presbyterians, and persons belonging to the Established Church. Within a comparatively small district in the diocese of Derry there were schools containing 623 Protestants of the Established Church, 1,569 Presbyterians, and 4,497 Roman Catholics, who were all receiving, he trusted, a salutary education, and living in love and peace one with another.

THE EARL OF DONOUGHMORE said, he would not long detain their Lordships

although he had the misfortune of differing from almost every right rev. Prelate and noble Lord who had preceded him. He differed with all of them in some respect, though there was much of what had been said to their Lordships in which he fully concurred. The present position of the National system was not a happy one. The system was in theory one under which there should be an united education given to children of all religious persuasions, and in which the influence of no religious sect should preponderate over another; but what was it in practice? 3,000 out of the 5,000 National schools in Ireland were under the patronage of the Roman Catholic priests, and the great body of the clergy of the Established Church stood aloof from the system. The amount of really united education communicated to the people was almost entirely restricted to the schools under the management of the Commissioners themselves. Any man who knew Ireland knew that the people of that country, no matter what the faith they professed, professed it warmly, ardently, and there were not to be found in Ireland those cold-hearted men who were devoid of all spirit of proselytism. If Ireland was searched throughout there would not be found in it a sufficient number of men of that stamp to carry out the National system; yet it had been expected that the system would be worked by such men; and they were looked for even in the ranks of the clergy. He thought the Government was quite right in refusing the demands of the Roman Catholic prelates; but he was of that opinion for a different reason than that which had influenced the Government. His opinion was that the Government ought to require of these prelates a test of the sincerity of the opinions which they had put forward in their document. These prelates and their clergy were in receipt of a very comfortable sum of public money for the payment of the expenses of the 3,300 schools under their control; but on looking over the list of contributors he found that the amount of local support given to these schools was very trifling indeed. For the whole county of Clare only £27 was subscribed, of which £10 was subscribed by a Protestant lady. Though the Roman Catholic bishops had so great an objection to the system, the Government acted very liberally towards them, and they seemed to take advantage of its generosity. Now, he should like to see them give a proof of the sincerity of those objections by refusing money for the maintenance of schools; but until they did that, he should certainly refuse to yield to those objections. He did not know whether the clergy of the Established Church had it in contemplation to accept the invitation of the Lord Lieutenant of Ireland, and suggest to him plans for the improvement of the system which should not attack its principles, which he (the Earl of Carlisle) wished to be carried out; but he (the Earl of Donoughmore); though he was and always had been an opponent of the National system, would venture to make a suggestion on the subject. By a rule of the Board no aid was given to any school in which the number of scholars was less than twenty-five. He would suggest that this rule might be advantageously relaxed. The Protestants were not numerous in the rural districts of some parts of Ireland; and in some of the schools the Protestant clergyman had less than twenty-five scholars. If he applied to the Commissioners of National Education for aid he was refused it, and he would no doubt be reminded of the rule with regard to the *minimum* of scholars, and would probably be told that in the neighbouring chapel-yard there was a National school to which he was recommended to send the children under his care, whom he might take home with him at certain times, in order to give them religious instruction. This school was probably taught by a Roman Catholic, and was under the patronage of a Roman Catholic Prelate. Now, although there might be some few clergymen of the Established Church who would accept aid from the Commissioners, there was not one of them who would recommend his parishioners to send their children to a school held in a chapel-yard, under the patronage of a Roman Catholic priest, and taught by a Roman Catholic schoolmaster. One other point he wished briefly to advert to, though with some degree of pain. He had the greatest possible respect for the character of the venerable Primate who presided over the Irish Church, and no one could entertain a higher opinion of his long and valuable services; but he must say he could not understand why such stress and such importance should be placed upon the letter to which the Lord Lieutenant of Ireland and the right rev. Prelate had alluded. What did that letter say? Why, it merely said that if a clergyman or proprietor was not placed in a position to obtain a good secular education for the children under his charge, if he could not

obtain the necessary funds for the support of his school, in that case, if he had no conscientious objections to such a course, he would advise him to place his schools under the National Board. Did the venerable Primate state any grounds of objection to the system itself? Nothing of the sort. On the contrary, as it was stated in the course of this debate by the right rev. Prelate, the venerable Dignitary, at a meeting of the Church Education Society, declared himself a sincere and cordial supporter of the system established. The letter of the venerable Primate struck him as if it said to a rich man who had the means of supporting a school and of paying a good salary to the master, "Oh, you are rich, and can afford to maintain your own principles; it is not therefore necessary that you should go to the National Board;" but to the poor man, who possessed not those advantages, the language of the letter was, "You have not the money to support your school, and to maintain your principles therein. You had better surrender your independence of action. Take my advice, then; connect your school with the National system, and obtain a share of the grant." He (the Earl of Donoughmore) should, however, act upon his own convictions. He had the means of maintaining his own schools without troubling the Commissioners. He was in the midst of a large Roman Catholic population, and the schools there were under the system of the Church Education Society. If he were to join the National Board to-morrow, he might save £30 or £40 a year; but he should be sacrificing his convictions without gaining one scholar or improving the means of education. Therefore, as far as he was concerned, the recommendation of the right rev. Prelate was without any force. Nothing had occurred to alter the grounds upon which he had always maintained those schools, and he should still continue to maintain the principles of the Church Education Society. If the right rev. Prelate thought he could conscientiously join the National Society, and could render himself more useful in doing so, he was quite right in adopting such a course; but whilst giving to others the most perfect liberty of conscience, he should claim the same for himself in being allowed to act according to his sincere convictions.

THE EARL OF BELMORE said, the noble Earl who followed his noble Friend, who moved for those Returns, taunted him with wishing to overthrow the National system without proposing any better system in its place; for his own part, however, he had no wish to see the system overthrown, but he did wish to see some slight modifications made in some of the rules, which operated against the teaching of the Bible in the schools throughout the country. It was a question upon which the clergy of Ireland were much divided in opinion. Some time ago he took the opportunity of conferring with certain clergymen as to what modifications of the rules could be made, which would have the effect of removing these objections and of inducing them to join the National Board. He was informed that if the rule regarding the time for communicating religious instruction in those schools was so far modified as to leave it optional to the patrons of schools to determine when and where the Scriptures should be read, or whether they should not be read at all, their objections to the system would be very much diminished. As to the letter of the Lord Primate which had been alluded to, he concurred in the observations which had fallen from the Lord Lieutenant of Ireland. In the diocese of Armagh there were many Dissenters, Presbyterians and Methodists, who were wealthy, and able to give their children the best education that could be procured. There was no doubt if the clergy could produce first-rate schools those children would be sent to them; but if the clergy could not do so, why in that case they ought to obtain the assistance of the National Board, and wait patiently until they could obtain those modifications which they so much desired.

THE EARL OF CLANCARTY said a few words in reply.

Motion *agreed to*. Returns ordered.

ANNEXATION OF SAVOY TO FRANCE. QUESTION.

THE MARQUESS OF CLANRICARDE, who had given notice of his intention to ask, Whether the European Powers, who, in 1815, guaranteed the neutrality of certain provinces of Savoy, which had now been transferred from Sardinia to France, had agreed to meet in Congress in order to deliberate on that transfer; also, whether Her Majesty's Ministers would communicate to Parliament the basis on which the contemplated Conferences were to be opened; said, he would not, at that hour of the evening, make the observations which he had thought were very well called for by the present position of foreign affairs. He

would only ask his noble Friend who represented the Foreign Office in that House the first question on the notice paper, with regard to the assembling of Conferences upon the transactions which had recently taken place in the North of Italy and Savoy. An answer was lately reported as given by the noble Lord the Secretary for Foreign Affairs, in the other House of Parliament, who said that it was proposed there should be a Conference of several of the Powers of Europe on this subject. He now wished to know from his noble Friend whether the Conference had simply been proposed, and the answers to that proposal had not yet been given by the Powers to whom it was addressed, or whether they were to understand that the holding of such Conferences had been agreed to by all the Powers. On the other matters of which he had given notice, he would postpone his questions to that day week.

Lord WODEHOUSE: The answer I have to give to the noble Marquess is that he has correctly understood what was recently said in "another place" by the Minister for Foreign Affairs. The Conference proposed for the consideration of the cession of Savoy has been proposed, but is not yet finally agreed on; and the question is not yet definitively settled as to whether that Conference shall meet, or when or where.

House adjourned at a Quarter past Eight o'clock, till To-morrow, a Quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, April 30, 1860.

Minutes.] Public Bills.—1° Metropolis Local Management Act Amendment.

BUSINESS OF THE HOUSE.

Viscount PALMERSTON: I rise, Sir, to make a suggestion to the House with reference to the course of public business, The existing rule is that the public business should not commence till half-past four o'clock, in order to allow time for the disposal of private business and of business not connected with the business of the evening; but I understand from you, Sir, and indeed what has passed this evening confirms your statement, that there is very little private business before the House, and that whatever there is may be disposed of before a quarter-past four. I would therefore suggest for the consideration of the House whether it might not be advantageous to-morrow, and from that time forward, to begin the public business at a quarter past instead of half-past four, unless the private business should go beyond that hour. The saving of a quarter of an hour at so early a period of the evening would probably be of more advantage than the gaining of half-an-hour after midnight.

Mr. DISRAELI: I think, Sir, there is no objection to the suggestion of the noble Lord, which on the whole will be convenient in the present state of public business; but it ought to be understood that the public business will not commence at a quarter past four unless Ministers are in their places to answer any questions that may be put.

THE SAVINGS BANKS AND FRIENDLY SOCIETIES BILL.—OBSERVATIONS.

Mr. SOTHERON ESTCOURT said, that the frequent appearance of the Savings Bank Bill on the Paper, without any apparent chance of its being proceeded with, had caused considerable inconvenience to several hon. Members. He would, therefore, suggest that it would be better to postpone the Committee on the Bill till after Whitsuntide, when a day might be fixed on which it would be certain to come on.

Mr. LAING said, that in the absence of his right hon. Friend the Chancellor of the Exchequer, he could not enter into the engagement suggested by the right hon. Gentleman (Mr. Estcourt), but he would undertake that the Committee on the Bill would not be taken before that day fortnight.

DOCKYARDS.—THE QUEEN'S ANSWER TO THE ADDRESS.

The COMPTROLLER of the HOUSEHOLD (Lord Proby) appeared at the Bar, and reported Her Majesty's gracious Answer to the Address on this subject:—

I have received your Address, praying that I will issue a Royal Commission to inquire into the system of control and management of My Dockyards, the purchase of materials and stores, the cost of build-

ing, repairing, altering, fitting, and refitting My Ships, and the best mode of keeping the Accounts thereof:

And I have directed that a Royal Commission shall issue for the purpose which you have requested.

RAILWAY COMPANIES.—QUESTION.

MR. THOMPSON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether coupons issued by Railway Companies for the payment of their debenture interest are rendered liable to the Stamp Duty of one penny by the new Stamp Act; or whether, in the opinion of the Law Officers of the Crown, the wording of that Act carries out the assurance given to this House by him, on the 26th of March last, namely, that "the Resolution would not in the slightest degree affect the question raised with regard to the liability of coupons or dividend warrants to pay the penny tax, and that when the Bill was drawn, the form of the clause would make this clear"?

MR. LAING replied that it certainly was not the intention of the Government to impose any new liability with regard to coupons issued by Railway Companies. He was distinctly informed by the Solicitor to the Inland Revenue that, in the opinion of the Board of Inland Revenue, the Resolution did not contain any such liability. It could only be enforced by the Inland Revenue, and he thought that a sufficient assurance that no change would be made in the law as it at present existed.

THE NEW BRONZE COINAGE.

MR. HOPWOOD said, he rose to ask Mr. Chancellor of the Exchequer when the new Bronze Coinage will be issued?

MR. LAING said, he was informed that the non-issue of the new bronze coinage was owing to the delay in completing the dies. The penny die, however, was now ready; the halfpenny die would not be ready for another three weeks; and he anticipated that in about two months from the present time this coinage would be issued.

BOATS IN THE PARKS.
QUESTION.

MR. ALCOCK said, he wished to ask the Chief Commissioner of Works, Whether he will have any objection to allow a certain number of Thames Watermen to have Boats on the Serpentine and other Waters in the Royal Parks during the summer months?

MR. COWPER said, the condition required of persons who wished to ply with boats on the Serpentine was, that they should have a licence, which was given to secure good management and boats in proper order, and boatmen capable of managing them. The ornamental water in Victoria Park was not well fitted for boating. It was so shallow that boats would stir up the mud, and would probably make the water disagreeable, which was not at present offensive; it was not so well adapted for the purpose as the Serpentine.

PAPER DUTY REPEAL BILL.
QUESTION.

In reply to SIR STAFFORD NORTHCOTE,

MR. LAING said, that in the absence of his right hon. Friend the Chancellor of the Exchequer, the Government did not intend to proceed with any of the financial measures except the Report on the Customs Bill, to which no opposition was anticipated.

THE GREAT BELL OF WESTMINSTER.
QUESTION.

MR. HARDY said, he wished to inquire, Whether an analysis of the Bell has been made, and if the material has been pronounced too brittle for the purposes for which it is intended?

MR. COWPER said, that Dr. Percy had made a Report, which had not yet been presented to Parliament, stating that he had analysed two portions of the Bell, but that he did not consider his analysis sufficiently conclusive to give a definite judgment on the chemical composition of the bell generally. The portions analysed by Dr. Percy were taken only from the external beading, or sound bow. When Dr. Percy had completed his investigations, the Report would be laid upon the table.

REPRESENTATION OF THE PEOPLE BILL.—SECOND READING.
ADJOURNED DEBATE. FIFTH NIGHT.

Order read, for resuming Adjourned Debate on Question [19th March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

Mr. BENTINCK said, he had heard from both sides of the House a great many able speeches on this subject; and it was natural that, after listening to those speeches, he should have attended with deep interest to the observations of the noble Lord who had introduced that measure to Parliament; because he had anticipated that the noble Lord would be able in the course of his speech to adduce some more consistent reasons and some better grounds for having introduced a measure which he himself very truly said had been severely criticised by both sides of the House. But, having listened attentively to the noble Lord's speech, he must say that it appeared to him to be rather apologetic than argumentative in its tone. The noble Lord appeared to be apologising for the Bill throughout his whole speech; and so far as he (Mr. Bentinck) had been able to judge, his apologies had not met with a very gracious reception. He could not help being struck with some observations of the noble Lord to which he should now beg to call the attention of the House. The noble Lord assured them that they were entering on a discussion of this measure at a time when there was no agitation on the subject of Reform. He (Mr. Bentinck) thought he should be able to show the House that the noble Lord's only reason for introducing the crude and ill-conceived measure now before them had arisen from his own political position and his own political necessities. He was now referring to the whole connection of the noble Lord with the subject of Reform; and he thought he should be able to show the House that the political necessities of the noble Lord had been the sole cause of the introduction of his present Reform Bill. The noble Lord, in alluding to some matters brought under the notice of the House on a previous evening by the hon. and learned Gentleman the Member for Marylebone (Mr. E. James), said that the statistical blunders of the hon. and learned Gentleman were perfectly ridiculous. That was not a very gracious remark; but since the noble Lord had adopted that tone in speaking of the observations of hon. Members of that House, he should like to ask the noble Lord, who was so well versed in the history of his country, whether, in the diplomatic records of Great Britain, there might not be found some errors that would come under that denomination? He (Mr. Bentinck) differed very much from the views taken by the hon. and learned Member for Marylebone on political subjects; but the hon. and learned Gentleman had this advantage over the noble Lord, that he had dealt with this question in a straightforward manner, and had fairly told the House what his objections to the measure were. He was so much struck with his frankness on the occasion that he was very much disposed to think that the production of a Reform Bill and the conduct of the Foreign Affairs of the country might be safer in the hands of the hon. and learned Gentleman than in those of the noble Lord; and no injury would be likely to accrue to any one in the event of such a transfer, for the distinguished gallantry which characterized the noble Lord would, in case of necessity, prompt him to undertake the multifarious professional duties which were now discharged by the hon. and learned Gentleman. There was one remark, however, of the hon. and learned Gentleman which savoured of the modest assurance which was acquired in that learned profession of which the hon. Gentleman was so distinguished a Member. The hon. and learned Gentleman spoke of a gentleman (Mr. Croker) who had taken a leading part in the debates on the Bill of 1832, as one who had never "breathed the free atmosphere of a Liberal constituency." Had the hon. and learned Gentleman allowed Gloucester and Wakefield and other boroughs to escape from his mind's eye when he was making that remark? The hon. and learned Gentleman had, however, been more correct in his criticism of the statistics put forth by the Government as the basis of their scheme. The hon. and learned Gentleman had in the course of his speech referred to the great errors which he said existed in the statistical Returns furnished to the Government from the borough of Ashton; and he (Mr. Bentinck) understood his right hon. Friend the President of the Board of Trade (Mr. M. Gibson), who represented that borough, to deny the statement, and to maintain the accuracy of those statistics. As there was such a considerable discrepancy between the two statements, he (Mr. Bentinck) had since taken some pains to ascertain what was the real state of the case, and the conclusion at which he had been able to arrive was, that the hon. and learned Gentleman was entirely accurate, and his right hon. Friend entirely wrong, there being an error of about 2,000 voters in the Government

Returns. He had had put into his hands a statement on the subject of the Government statistics, which he would ask the permission of the House to read. The hon. Member for Birmingham (Mr. Bright) had defended those statistics, and quoted the town of Rochdale, with which he was connected, in corroboration of their correctness. He (Mr. Bentinck) held in his hand a letter from a gentleman in that town named Peter Johnson, who was no doubt known to the hon. Member. The writer requested that the information which he communicated might be put into the hands of some hon. Member. It had been given to him, and he asked the attention of the House while he read the letter.—Mr. Johnson said, "Mr. Bright is reported to have said in the House of Commons"—

MR. SPEAKER said, it was not in order to read anything which referred to a debate which had taken place in the House.

MR. BENTINCK would suppose then that some hon. Gentleman had made a statement, with respect to the borough of Rochdale, and that some gentleman in Rochdale had thought proper to answer it. He would further suppose that the gentleman so answering it had used words to this effect: "The Member in the House who adverted to this subject is represented to have said that he had inquired in Rochdale and other places"—

MR. SPEAKER again interposed, and said the hon. Gentleman could not read a letter referring to debates in that House.

MR. BENTINCK would of course bow to the decision of the Speaker, and confine himself to a statement. It had been stated by an hon. Member in the course of that debate—he (Mr. Bentinck) made this statement on his own authority—that he had made inquiries in Rochdale and other places as to the Returns made to the Government in giving the number of persons likely to be placed on the registry by the £6 franchise, and these Returns were accurate. Now his (Mr. Bentinck's) information enabled him to go to the rate-book belonging to the corporation of Rochdale, and he therein found that the number of persons rated at £6 and under £10 by the overseers was very much understated in the Government Returns. The information which he had received showed that the increase in the number of voters from the reduction of the franchise would be 3480, while the Government Returns only gave 1746. Those discrepancies arose from the mode in which the overseers prepared their Returns. They made the gross rental of the borough amount to £110,096, while the corporation valuation made it amount to £124,762, being a difference of upwards of £14,000; and he took it for granted that parties did not pay for any larger sum than they were receiving. While speaking of the borough of Rochdale, he would ask the hon. Member for Birmingham how it happened that he had so much more confidence in the working people than they had in him; for nearly all his carpet weavers were now on strike in consequence of a reduction of their wages. Much had been said in the course of this debate about discontent among the working classes. He must express his opinion that when there was that discontent it arose from the systematic agitation of those who were desirous of making political capital out of popular discontent. The noble Lord said that the general frame of the Constitution would not be changed by the measure. He did not exactly know what the noble Lord meant by "the frame of the Constitution;" but if the balance of power amongst parties would be destroyed by a measure he must suppose that the measure would do material damage to the frame of the Constitution. The noble Lord had said, speaking of the occurrences in this country some years back, that the French Revolution of 1830 had stimulated the feeling for Reform in England. It appeared to him that the observation of the noble Lord amounted to this—that "Reform" and "Revolution" were convertible terms, and that when they heard a cry for Reform they must presume that there was nothing but a revolutionary feeling in the country. He did not hold with the idea, but it seemed to result from the proposition of the noble Lord. The noble Lord had also referred to the proceedings at Nottingham during the Reform agitation. Now he (Mr. Bentinck) happened to be residing near Nottingham at the time of the Reform riots, and the house in which he was staying was one of those which it was thought necessary to defend against the attacks of those gentlemen who were supposed to be carrying out the views held by the noble Lord:—at least the noble Lord and the Government of the day were very much misrepresented and maligned at that time if the language which they held did not go a long way towards encouraging and stimulating those practices. If it did not, the history of that day had maligned them extremely. The noble Lord always endea-

voured to impress on the House that any measure of Reform, however crude, must be passed. His argument seemed to be—"This is a measure of Reform: at your peril pass it." The noble Lord, when making this speech on Reform, always reminded the House that Nottingham Castle was burnt, and that there was a great fire at Bristol. He reminded him (Mr. Bentinck) of a very old story which he had heard in his youth. A boatswain of the old school was at one time serving on board of a ship, the captain of which, a right-minded man, had strictly prohibited swearing and all strong language. The boatswain found himself unable to convey his meaning without the expletives which he thought gave strength to his words, but being debarred from using them, his practice was to go up to a culprit and say to him, "Bless your little eyes—you knows what I mean." It appeared to him (Mr. Bentinck) that the noble Lord in dealing with the opponents of any of his projects of Reform, emulated the custom of the old-fashioned boatswain. He always treated the subject of Reform as if he were apprehensive of some unfortunate results from a too close investigation of it. He always reverted to that subject as a sort of caution to the opposite side of the House, not to oppose any measure of Reform, lest the opposition should lead to these unfortunate consequences. Then the noble Lord was very fond of harping upon one particular point, what he was pleased to term "the settlement of this great question." He (Mr. Bentinck) admitted that if it were possible to settle this question, and to avoid the recurrence in future Sessions of such a stoppage of business as had taken place in this discussion of the present Reform Bill, it would be most desirable for the House and for the country; but he would ask the noble Lord on what possible ground he entertained the slightest hope of settling it by the Bill now before the House? He (Mr. Bentinck) had with him an extract from the Report of a Parliamentary Reform meeting which took place a short time ago at Manchester, which showed, in the first place, in most unmistakeable language, the estimation in which that measure and that Cabinet were regarded by the distinguished persons who took part in that demonstration. The chairman who presided at this meeting said he was well inclined towards the present Government. This was a somewhat mild phrase. He then went on to say that with Cobden as Plenipotentiary of Foreign Affairs, Bright taking the out-door department, and Gibson the inside, the firm was doing a roaring trade. Then as to the settlement of the question, the meeting passed a resolution to the effect that no measure of Parliamentary Reform could be satisfactory which did not confer the franchise on every male person rated in boroughs to the relief of the poor, and which did not more equally distribute the constituencies, and give the voter the protection of the ballot; that the Bill now before the House could only be regarded as an instalment of the long denied rights of the people, and as such they hoped that it would be adopted during the present Session of Parliament. It was evident therefore that the Manchester reformers who supported this measure did so, not as a settlement of the question, but as a stepping-stone to further changes in the constitution; and what the House had to do was not to ascertain how they were to settle this question but a great deal more. He was not arguing against all change, all reform; but in dealing with the noble Lord's Bill what they had to consider was not how they could settle the question, or whether they could settle it, but what was the point, in the democratic direction, beyond which the House would proceed no further. Because if the House did not take that position now they were doing that which would next year, almost before the ink of the present Bill was dry, lead to further discussion on a further measure of what was called reform. The noble Lord had made a most candid statement. He said that the Government proposed to lower the franchise in a way which they thought would effect the object in view. He (Mr. Bentinck) had no doubt that that statement was perfectly correct. But what was that object? He presumed, pretty much what it was in 1832—to give a longer tenure of office to a party who found it somewhat difficult to retain their power without the movement. He (Mr. Bentinck) was not prepared to say that he was opposed to all reform; he had, however, always looked to the Reform Bill of 1832 as having been brought forward more in the spirit of party than with a sincere desire to promote a real reform in the representation; and he was anxious to see such a reform as should give a fair amount of representation to every class of the population, and remove those anomalies and that injustice which at present he thought existed under the operation of the Bill of 1832, and which he

should presently prove did exist. How did this Bill originate? The noble Lord abandoned the principle of finality for which he, at one time, so stoutly contended; and it was tolerably easy to trace the real cause and foundation of all his various Reform Bills. It appeared that the noble Lord, up to a certain time, was prepared to abide by the measure of 1832; and it was only when he found himself in political difficulties, and that his Government was likely to be removed from office, that he thought it advisable to reopen the question of Reform. All his Bills had been based on entirely different principles. They had all been framed to meet the circumstances of the moment, not the wants of the representation. How did the noble Lord reopen the question? He (Mr. Bentinck) had always been under the impression that when a great measure, especially one embodying organic changes in the constitution, was propounded to Parliament by a Government, it was first made the subject of grave and serious consideration before an assembled Cabinet, and that it was only after that consideration, and when every Member of the Cabinet was perfectly aware of the measure, that it was brought forward. But what was the course taken by the noble Lord in 1852? He brought in his measure of reform without having communicated with a single member of the Cabinet on the subject.

LORD JOHN RUSSELL here intimated his dissent, and was understood to add that he gave notice of the measure.

MR. BENTINCK said, he made the statement on the authority of a Member of the then Government of the noble Lord. The noble Lord said he gave notice of the measure; but whether he gave notice or not, every Member of the Cabinet the moment he brought it forward became implicated in its introduction. But was this the straightforward, and statesmanlike, and becoming manner in which a question of this kind should be treated? And if not, what conclusion could be arrived at but that the noble Lord saw himself in difficulties, and, without weighing the responsibility of a Member of a Cabinet who introduced a measure, took upon himself the responsibility of committing the Cabinet to that measure in order to relieve himself from his political difficulties. It appeared to him, then, that the noble Lord was the very last man in the House who ought to be entrusted with a measure of Reform, because the House and the country would never be impressed with the idea that such measure was a measure for the reform of abuses. Any statesman introducing a measure of this kind into Parliament ought to be above suspicion as to his motives. And what was the present measure of the noble Lord? It appeared to him (Mr. Bentinck) to be hardly worthy of the name of a Reform Bill, for everything like reform was omitted from it. The noble Lord was going to enlarge the constituency, and, as a consequence, enlarge also the area of corruption. But was he not bound, before he extended the area of corruption, to make some provision against the extension of that corruption, and so to put an end to those disgraceful scenes so often described before Committees of that House? The Bill contained no provision as to registration, no extra provision as to voting; in short, there were none of the details of a Reform Bill;—and yet it was brought forward as a great measure of Reform. There was no attempt to balance the representation in this case with different classes of the community; and unless that was done—he need hardly anticipate contradiction to his assertion—if any measure did not do that it would only lead to disturbance. The noble Lord had gone on for years past enlarging on all occasions on the increased intelligence of the country. They all knew how often that particular phrase of the noble Lord had drawn applause in that House. He had always based his arguments in favour of Reform and the extension of the franchise on the increased intelligence of the country, and the increased education of the poorer classes. But what did the noble Lord now do? He introduced a Bill which professed to deal with the question solely on the ground of numbers, and without the slightest allusion to any intention to admit to the franchise any additional portion of the intelligence of the country. The great measure of Reform introduced last year by Lord Derby's Government had at least this merit—that it would have admitted every one who had a fair share of education. The noble Lord, in the Bill now before the House, made no attempt of the kind. He proposed to enfranchise a certain number of persons, and the only persons he so proposed to enfranchise were a class of men who, whatever might be their increased intelligence, at all events had had fewer chances of improving themselves than any other class in the country. It was, doubtless, their misfortune, not their fault; but the noble

Lord was perfectly aware that there were hundreds of thousands of persons in the country not enjoying the franchise, but whose education, and intelligence, and position in society were such as fully to qualify them to hold it. And yet he did not introduce one element of intelligence into his Bill. The noble Lord proposed in this Bill to increase the number of the Metropolitan Members. To this he most decidedly objected; for though he wished to speak of the Metropolitan Members with the greatest possible respect, he was bound to say that, taken collectively, they were positively objectionable. These Gentlemen were always ready to support any measure for employing the national purse in the promotion of Metropolitan purposes, and he believed that if those who took an Imperial view of public questions did not carefully watch over and resist the attempts that from time to time were made, the whole of the Metropolitan expenditure would soon be paid out of the public purse. He would therefore stoutly resist the increase of Metropolitan Members. He thought that before that House proceeded to reform others, it had better begin to reform itself. They uniformly found that when a poor fellow of a voter, who knew nothing of public questions and hardly anything of the candidates for whom he was asked to vote, was proved before a Committee to have taken a £5 bribe, he was held up as a monster of corruption who should be cast out of the pale of the constitution. Now, he would suppose a case. He would assume that some great question affecting the constitution was to be brought forward by the Government—it might be, a Reform Bill. There were great differences of opinion amongst men on that subject. Well, suppose a Reform Bill to be brought forward by one Member of a Cabinet, and that the measure was opposed by some—it might be by the majority—of his colleagues; but though the majority of the Cabinet might be opposed to the details or to the principle of the measure, they might think it more advisable, in order to save the Cabinet or the Government, to assent to a Bill to which they objected. He (Mr. Bentinck) wanted to know what was the comparative difference between the poor voter who took the £5 and the distinguished statesman who received his £5,000 a year. Of course, he was not asserting that there were such men. All he could say was, that should there be any Member of a Cabinet who assented to the progress of a measure of which he entirely disapproved, he did that which was ten thousand times more venal and corrupt than the poor voter who took the £5 for his vote. There was another difficulty the noble Lord would have to deal with in discussing this measure of Reform. He thought the leaders, the distinguished men on both sides of the House, had got themselves into an embarrassing position in connection with this subject; and, in his opinion, it would simplify the matter very much if they were to disfranchise the two front benches on this question and place it in more disinterested hands. Then as to the Ballot, all he would say was that it appeared to be losing ground in public opinion and in the general feeling of the country. But there was still another most important omission from the Bill. The noble Lord the Member for London, and other hon. Members, when talking of the question of Reform, would lead one to suppose that Great Britain was composed of nothing but large towns and railways, and that when they were represented, all had been done that was essential to forming a constitution; but he (Mr. Bentinck) was under the impression, borne out by figures, that the great bulk of the population and property of this country was to be found, not in the towns, or mixed up with railways, and that in dealing with the question of reform, it was a singular proposal to make that they should ignore and totally lose sight of the claims of the rural districts. This was a question upon which any measure of reform must hinge; and he would appeal in particular to Gentlemen who represented the rural districts to attend to the few remarks which he was desirous of addressing to them. By the Bill before the House the rights of the rural districts were entirely ignored; and bearing in mind the maxim, that representation and taxation were to be considered as convertible terms, he contended that every Member in that House who represented the rural districts was bound to say, "You shall proceed no further with this or any other measure of reform until you are prepared to do justice to those districts, and give to them that share in the representation to which they have shown themselves fully entitled." The only Gentleman in the House who had yet touched upon this point was his hon. Friend the Member for North Warwickshire (Mr. Newdegate), who had dealt with it most ably, and he (Mr. Bentinck) cordially concurred in the views his hon. Friend had ex-

pressed upon the subject. His hon. Friend went at some length into the question, and cited a number of figures; but as the House had already had a very large quantity of figures before it, he was indisposed to inflict more than he could help, and he would therefore only quote one line from those which his hon. Friend had taken so much trouble to collect. Without going further into details, then, it appeared that, according to property, the rural districts of England were, by two calculations, entitled to 131 more Members than they had at present in the House; and that, by a third calculation, taken on different grounds, the balance due to them was 137 more Members. He wanted to know, therefore, if the noble Lord and his supporters were prepared to defend the grounds upon which they had thus entirely ignored the rights of the rural districts? Were the rural districts to be represented, or were they not? If they were prepared to say that they had no right to be represented in proportion to property, intelligence, industry, or loyalty, and that they were not prepared to give them their fair share, that would be an intelligible argument, and he should know on what ground to join issue with them; but if they were not prepared to take that ground, on what other ground did the noble Lord deny to the rural districts that share in the representation to which they were undoubtedly entitled? It appeared to him that one great mistake had always existed in the franchise of this country. He had always thought that the county franchise ought to be lower than the borough franchise; because the class of men resident in the rural districts who would be enfranchised by a lower qualification were better able to use the privilege and better qualified for it, than the corresponding class resident in boroughs. And he thought he could show pretty good authority upon that point. He was quite aware that it was the practice of many Members in that House, and still more of some of them when out of the House, to decry the intelligence and education of the inhabitants of the rural districts from the county gentlemen downwards, although the latter did not suffer much from attacks of the sort; but holding the opinion that he did, that the rural districts were not only entitled to their fair share of representation, upon the ground that every district ought to have its fair share, but also that if there were a preference, it ought to be given to the county over the town, he should like to quote an authority that was higher than his own upon the subject, and one which hon. Gentlemen opposite would be slow to dispute. He would not willingly have raised this discussion upon the comparative intelligence and energy of the inhabitants of the rural districts as opposed to the inhabitants of the towns, but so much had been said at different times as to the utter unfitness, particularly of the lower classes in the rural districts, to exercise the franchise, as compared with the inhabitants of the towns, that it was high time to set the question at rest upon authority which hon. Members opposite could not fail to accept. That authority says:—

"After what are called the fine arts, and the liberal professions, however, there is perhaps no trade (speaking of agriculture) which requires so great a variety of knowledge and experience. The innumerable volumes which have been written upon it in all languages may satisfy us, that amongst the wisest and most learned nations it has never been regarded as a matter very easily understood; and from all these volumes we shall in vain attempt to collect that knowledge of its various and complicated operations which is commonly possessed even by the common farmer, how contemptuously soever the very contemptible authors of some of them may sometimes affect to speak of him. There is scarce any common mechanic trade, on the contrary, of which all the operations may not be as completely and distinctly explained in a pamphlet of a very few pages as it is possible for words illustrated by figures to explain them. In the history of the arts, now publishing by the French Academy of Sciences, several of them are actually explained in this manner. The direction of operations, besides, which must be varied with every change of the weather, as well as with many other accidents, requires much more judgment and discretion than that of those which are always the same or very nearly the same. Not only the art of the farmers, the general direction of the operations of husbandry, but many inferior branches of country labours, require much more skill and experience than the greater part of mechanic trades. The man who works upon brass and iron works with instruments and upon materials, the temper of which is always the same or very nearly the same. But the man who ploughs the ground with a team of horses or oxen, works with instruments of which the health, strength, and temper are very different upon different occasions. The condition of the materials he works upon, too, is as variable as that of the instruments which he works with, and both required to be managed with much judgment and discretion. The common ploughman, though generally regarded as the pattern of stupidity and ignorance, is seldom defective in this judgment and discretion. His understanding being accustomed to consider a greater variety of objects is generally much superior to that of the mechanic who lives in a town, whose whole attention, from morning till night, is generally occupied in performing one or two very simple operations. How much the lower ranks of people in the country are really superior to those of the town is well known to

Mr. Bentinck

every man whom either business or curiosity has led to converse much with both."

The authority to which he had referred was no less than that of Mr. Adam Smith. Upon what ground, then, were the rights of these men to be refused, and the House asked to go on with the consideration of the Reform Bill, which entirely ignored the rights of these men? He only hoped that when the House came to the discussion of the details of the measure he should be joined by every Member in the House who represented a rural district in at once saying, until full and ample justice has been done to those districts no further progress shall be made with this measure. It appeared to him indeed a self-evident proposition that every Member for a rural district who did not take that course was distinctly betraying the interests of his constituents. There was another point which he thought also bore strongly upon the matter, and it was a curious and an instructive fact. It appeared that the last fifty-six cases of bribery in which Members had been unseated were all cases of bribery in boroughs, whilst there was not a single case of bribery in the counties. That, too, appeared to be an argument somewhat in favour of conferring upon the rural districts their share of representation, and it ought to weigh strongly with Gentlemen opposite who were so extremely horrified at corruption and bribery. A great deal had been said about the accuracy of the statistics upon which the noble Lord had based his measure. He (Mr. Bentinck) would not go further into them than to say that the fact of inaccuracy had been so clearly established, and, what was of still more consequence, that the Census, upon which the whole Bill was founded, must necessarily, owing to the time that had elapsed since it was taken, be so inapplicable to the existing state of affairs, that it was perfect waste of time to go into the details of a scheme which rested on two sets of incorrect calculations. He contended that they ought to have such Returns before them as they could rely upon, so that when they came to consider details in Committee they should not have to commence the discussion with an inquiry whether the figures were correct or not. To attempt to deal with the proposal of the Government until accurate statistics were before them was, he repeated, a waste of time, and almost an insult to the common sense of the House. He would only further observe that the first object which the House should have in view was to deal with the question without reference to party feeling. The great fault of the Reform Bill of 1832, and that which probably necessitated the re-opening of the question, was that that measure was pervaded by party spirit; it was not brought forward in a spirit of fair dealing; it was introduced in a spirit of party; and he trusted the House would avoid falling again into so mischievous, and he might say, so disreputable an error. A good deal had been said about the consequences of rejecting this or any other Reform Bill. The noble Lord the Member for London, without absolutely threatening them with the consequences, nevertheless gently hinted that the rejection of the Bill might be attended with inconvenient results; whilst the hon. Member for Birmingham, on the other hand, who was in the habit of attending large meetings of his countrymen, had told them in the plainest and most unmistakeable terms what they were to expect. He would not argue that part of the question, but it appeared to him that such suggestions were a libel upon the working classes of the country. For his part he had no such opinion of the working classes, and agreed so far with the noble Lord that he believed that popular intelligence had greatly increased within the last few years; that the diffusion of education had tended much to humanize the masses in this country; that men were not so easily worked upon and their passions aroused and excited as formerly; and upon the whole he thought too highly of the English people ever to believe that it would be possible to substitute violence for reasoning and intimidation for argument, whether such a course were suggested by hungry placemen or disappointed demagogues.

Mr. WALTER: Sir, I am anxious, before there is an immediate risk of a "count out," to take an early opportunity of vindicating myself, as one of the occupiers of this comfortable, but, I am afraid, in the opinion of some hon. Members, not very respectable bench, from the charge which was made the other night by my hon. Friend the Member for Radnorshire (Sir J. Walsh) against those who sat upon this bench of having some ulterior objects in view in their support of this Bill. For my own part, I assure my hon. Friend I have no such ulterior views. I believe that the consequences of this Bill, if it passes, will fall very short of the expectations both of those who favour and of those who oppose

it. I could almost apply to it the language in which the prophet of old spoke of the idols of wood and stone—"Woe unto them, for they cannot do good, neither is it in them to do evil." I believe that the effects of the Bill will be extremely insignificant. But as an independent Member of the House, acknowledging no political leader, and depending, I may say, on myself alone for my political existence, I hope the House will bear with me for a few moments while I attempt to state, as concisely as possible, the view which I take of the present position of the country as regards this measure, and of the course which I think ought to be pursued with respect to it. I apprehend there is one question which must have occurred to every one who has thought about the matter, and that is, why is reform wanted at all? Certainly not, I should say, on account of any crying grievance which affects the working classes as such, or which could possibly be removed by legislation. There was a time, we all know, when those classes were exposed to great hardship and injustice, when they had to bear an undue share of taxation, and when the penal and other laws affected them most oppressively. In 1832 they were led to expect that they would derive great material and social advantages from the passing of the Reform Bill; and the promises then held out have been, I believe, in a great measure fulfilled, partly in consequence of legislation and partly owing to causes with which legislation has had no connection whatever. I defy any one at this moment to lay his hand upon a single grievance which affects the lower class as a class. The hon. Member for Birmingham has been engaged for a long period in endeavouring to persuade the working classes that they are paying a most inordinate and unjust proportion of the taxation of the country; and in a speech which he made, if I recollect right, last December, he challenged the disproof of his assertion that more than half the taxation of the country was borne by those classes. This question has been lately subjected to a thorough and critical investigation, and in a recent article in the *Edinburgh Review* it has been shown by the most minute and careful analysis that so far from the working classes having to pay an undue share of taxation, they in reality pay a smaller proportion than the upper classes of the country. Of direct taxation they pay nothing; of local taxation they pay next to nothing; and of indirect taxation it has been proved as clearly as such a thing is capable of proof, that the unrepresented classes contribute £24,000,000 or only £1 a head. Therefore, as far as taxation is concerned, I cannot understand the grounds upon which these complaints were made. No doubt this House in reconsidering questions of taxation and readjusting the proportions of the general burden, has always been, and I trust will always be, disposed to turn the balance rather in favour of the working classes than against them. But the hon. Member for Birmingham, and those who join with him in advocating a great extension of direct taxation, must remember that direct taxation cannot be extended much further without being also extended much lower; and I should like to know whether the poor man who now pays his proportion of income-tax in infinitesimal instalments throughout the year would thank the Legislature for sending the tax-collector to call upon him for half a sovereign every six months. I believe that if you were to pick out a hundred average specimens of the working men of different trades in the country you would find their grievances amounted substantially to this—"A little less labour, a little more pay, and a glass of beer to drink your honour's health." So much, then, for the grievances of the working classes. Another reason which may be given why Reform is necessary is the composition of this House, which, in the opinion of some Gentlemen, would be greatly improved by a large infusion of the working classes. I do not deny that if we could obtain the services of men of superior intelligence who had risen from or still belonged to the ranks, it would contribute in many respects to the information of this assembly; but I am sure that if there were a large "infusion" of men of that class, the time of the House would be wasted in the discussions which they would raise as to the standard of wages, the relations of capital and labour, the grievances of journeymen bakers, who disliked night work, the demands of the Early Closing Association, and other questions of that kind, which did not lie within the province of legislation, and their consideration would only be a waste of the time of the House. If, then, reform is not necessary for these reasons, on what ground can it be demanded? I think three principal reasons may be named. First, it is agreed on all hands, by hon. Gentlemen on both sides of the House, that it is time to remove some of those anomalies which are

admitted to exist in the distribution of seats, and that a redistribution cannot be much longer postponed. In the next place, we are all agreed that it is quite possible to extend the franchise to a large section of the working classes without injury to the constitution. Whether the standard of the franchise shall be lowered as proposed in the Bill of the noble Lord, or whether the working classes shall be admitted by means of the fancy franchises suggested by the right hon. Member for Buckinghamshire, is a question rather of detail than principle. In either case the object sought to be attained is substantially the same. There is, however, at this moment a third, and perhaps a more important reason why Reform is demanded; and that is, that expectations have been held out for a great number of years back that some measure of Reform would be granted. That man would put his fingers in no little jeopardy who kept a piece of meat dangling before the nose of a dog, even when not very hungry, and requiring a good deal of poking to make him shake off his drowsiness; and I think it is dangerous to keep this question of Reform from year to year, held out as a sort of temptation to the working classes, to be withdrawn as soon as it appears to be put in a shape which enables it to be taken hold of. Another question is whether, Reform being admitted to be necessary, this is the season when it should be conceded. The right hon. Baronet the Member for Hertfordshire (Sir E. B. Lytton) has urged, as a great objection to a measure of Reform at this moment, that it necessarily involves the immediate dissolution of Parliament, which at the present time he regarded as a serious evil, when a deficit was expected in next year's Budget, and when the state of affairs was certainly not such as to leave the country entirely free from anxiety. But it does not follow as a matter of course that the passing of a Reform Bill should be immediately followed by a dissolution of Parliament. I think it would be a great crime in the Government to dissolve Parliament merely for the sake of collecting the additional amount of intelligence which would be furnished by the £6 and £10 constituents. I can see no reason why, even after the Reform Bill is passed, Parliament should not go on till some other reason should arise to require its dissolution. Then, Sir, comes the question, much more easily asked than answered, what is Reform? Does Reform mean, as its name denotes, the pulling to pieces and reconstruction of the whole political machinery, or does it imply merely the removal of the decayed parts and the substitution of sounder material? I will illustrate what I mean by reference to the remark made by the chairman of one of the Manchester meetings—a gentleman whose good taste has already been commented upon when he spoke of the "roaring business" which a certain firm was doing, and of whose logic I will now give you a specimen. I allude to Mr. Wilson, who, after complaining that the House of Commons contained 400 Members connected with the aristocracy and the warlike professions, said,—

> "Since the last Reform Bill all had changed, and progress had manifested itself to a greater extent than was ever known in the history of mankind. All had improved since then; the political machine was the only one which had remained stationary. If they lent their hands to that, they might give it breadth and principle, so that it should represent the requirements and the intelligence of the people."

Now, mark the singular nature of the argument. The argument was that, because since the Reform Bill of 1832 there had been greater improvements in wellbeing, in national prosperity, in trade, commerce, and legislation than had ever been known in the history of mankind—because all that had been done and could only be done through the political machine which they possessed, therefore that machine should be pulled to pieces. Now, Sir, I have had some experience of machinery. I am the owner of machinery of various descriptions. Now, suppose the person who had the charge of my machinery came to me and said—"It is true, sir, that up to a certain period your business went on indifferently, and you experienced great difficulties; but you introduced great improvements; your business increased; you have made your fortune, and are going on swimmingly; yet some people out of doors think your machine should be tinkered, and therefore, without being able to demonstrate to you how the alterations which they suggest will be any improvement, I advise you to let me pull your machine to pieces, and put up some other of which no human being can foretell how it will answer." Should I not say, "It is very true there is certain to be wear and tear in all machinery, and machinery requires to be overlooked and overhauled, but the reasons which you have given are an argument, not for pulling it to pieces, but for keeping it together; and, unless you can prove to me

that some improvement will follow the alteration, I shall be cautious how I meddle with a good thing which I have already got in working order." I am not contending that no improvement is necessary, or that there is not some wear and tear in the great political machine, as well as in other inorganic machines. We all know that motion and change (perhaps I might say motion and change rather than progress) are the condition of human affairs. But those are things which require to be watched with great care and delicacy, and he is the true statesman who applies remedies which time has proved to be necessary with the least disturbance to the existing state of things and with the greatest certainty of future good. To come now to the Bill immediately before us—this child of the noble Lord's old age—which the noble Lord treats with paternal fondness, or, as some one has said, with grandfatherly affection, but which its unnatural relatives seem to look upon with unconcealed dislike. Putting aside the redistribution of seats, which does not involve a question of principle, the two main principles of this Bill are the representation of minorities and the extension of the franchise. I think the clause which gives third Members to certain constituencies is one of great importance, and I entirely concur in the object which the noble Lord has stated that the clause is intended to accomplish—namely, the representation of minorities. A great deal has been written and spoken upon the subject, and any one who has taken the trouble to read the pamphlet of Mr. Mill, and that of Mr. Hare, referred to by Mr. Mill, will have seen that of all the impracticable and impossible schemes which have ever been devised, theirs are the most impracticable. They remind me of the aphorism of Lord Bacon, that the speculations of some philosophers were like stars, which gave so little light because they were so high. If those schemes were ever so reasonable in appearance, we know from experience that they are so impracticable that it is useless to discuss them, and I believe it would be found that any proposal to accomplish this desirable object, except in a very indirect manner, would not be listened to for a moment. It is impossible to assign grounds on abstract principle for giving one, two, three, or any number of votes. The safest course is to take things as we find them, and I think that this scheme of the noble Lord to accomplish the object by an appeal to the good feeling of the constituencies is likely to be a very successful and useful improvement. With regard to the extension of the franchise, I am not going to follow those Gentlemen who have spoken at great length into the much-controverted question as to the mode of rating. As far as I am concerned, I care not whether 100,000 more or less are added to the constituencies. I believe that it would make no appreciable difference whatever. The true question to determine, as it appears to me, is the degree in which those classes whom we propose to enfranchise are qualified, by their intelligence and respectability, for the privilege about to be intrusted to them. A great deal has been said about trusting the working classes, and we have been told not to be frightened at them. For my part, Sir, so far from feeling any distrust or alarm with respect to the working classes, I declare I could not go to bed in peace if I had any such fears. But we must recollect that in periods of excitement the working classes are especially liable to be misled by popular orators. If we are called upon to apply any other standard besides our own knowledge to ascertain the intelligence of the working classes, we must naturally turn to those who are assumed to be their leaders. The hon. Member for Birmingham, a most distinguished man, no Chartist or Socialist agitator, but a man who is in a position to compliment and patronize Chancellors of the Exchequer, is the acknowledged leader of the people in those places to which we are accustomed to look for demonstrations of public opinion. Let us see what is the estimate which that hon. Gentleman forms of the intelligence of the working classes, whom it is proposed to enfranchise. The hon. Gentleman told us the other night, in the discussion on church rates, that he was a member of a sect whose religion, from his description of it, must be the essence of Christianity, as it pervaded all Christian sects. Therefore the hon. Member, of course, always speaks with a sense of responsibility and in a spirit of angelic charity, the very reverse of that quality which he attributes to his opponents. I am sorry the hon. Member has left his place, because the charge which I have to make against him is rather serious. I am not going to rake up a collection of passages from the out-door speeches of the hon. Member. If any one wishes to see the hon. Member's portrait, painted by himself, it is to be found in the last number of *The National Review*. I

am about to refer to a speech not alluded to in that *Review*, which I thought of great importance. I must first refer to the speech which the hon. Member made in Manchester on the 14th of February, at a meeting of the Lancashire Reformers Union, where, after telling his audience that there had been a regular trade of imposture upon the Duke of Wellington's letter to Sir John Burgoyne since 1847, the hon. Gentleman proceeded to say:—

"The real fact is that the Treaty has been received with great coldness among those classes from whom your representatives are chiefly chosen. They know perfectly well that if ever there grow up between England and France the commercial independence and unity which now exist between England and the United States, then it will not be in the hands of Prime Ministers or Foreign Secretaries, or diplomatists, or intriguers of any kind to provoke disunion, and ultimately bring about war between the two countries. We are threatening by this Treaty to cut down the tree in whose branches all those unclean birds are lodged; and that is precisely the reason why those whose aim in life is patronage, salary, expenditure, taxation,—that is precisely the cause why all those look coldly upon this Treaty."

I suppose the hon. Gentleman must have been reading his *Virgil*, and was thinking of the *obscenæ volucres*—the harpies which gobbled up the dinner of Æneas's companions, and dirtied their table. As for the compliments to Prime Ministers, Foreign Secretaries, and diplomatists, I will leave them to answer those for themselves. Early, however, in the present month, the hon. Member went a geat deal further, in a speech at Manchester, and made charges which I think should not be passed over, but should be noticed by some one on this side if not by any one on the other side of the House. After repeating the statement made in a former speech, that the Treaty was received with a marked coolness in the House, and was opposed by a large minority of Members, the hon. Member proceeded to explain the motive of that opposition:—

"The real objection to the Treaty, I say, has been, for the most part, concealed. It menaces the great patrimony of the taxes. It takes away, or threatens to take away, that which has been for 170 years almost the only cause of your incessant increase of expenditure, of debt, and of taxation. It promises confidence and peace with France, instead of perpetual distrust and occasional war."

Again, he says:—

"I have said that they are afraid that this Treaty menaces the great patrimony of the taxes upon which this great aristocratic power in your country so much depends for promotion and for income." [Cheers.]

Do hon. Gentleman cheer that? Are we to be told that a great minority in this House opposed the treaty, not because they thought that the Apostle of free trade had been overreached to some extent by the Apostle of annexation, but because they thought it would produce the greatest blessing which could befall mankind? Did the hon. Member for Birmingham give them credit for the most diabolical motives which could influence human beings? Sir, when an hon. Member enters this House he claims to be a statesman. He cannot play the part of a demagogue and a statesman at the same time, and he has no right to go down to the great centres of population and tell the people in unmeasured terms that large numbers in the House of Commons have been actuated by motives of the grossest baseness in opposing treaties, not on account of defects which they have discovered, but because they thought those treaties would confer the greatest blessings upon mankind, and that for the sake of the beggarly pittance which the military and naval professions received in the shape of pay for their services. I will not trouble the House with any remarks upon the other topics referred to by the hon. Member for Birmingham—about his ideas of social liberty as connected with the tenure of land, or with his letter to the people of Glasgow, in which he wondered how a man could breathe in a country in which the land was monopolized by the nobility and gentry. But the hon. Member has asked whether we distrust the working classes. I say God forbid! but I certainly do distrust those who address to them such language as this. I am as little of an alarmist as any one. I think that neither property nor even life is a subject for alarm to any one who entertains a due sense of the dignity of human nature; but, so long as one has to live in this world, one would like to be governed with some regard to the principles of truth, honour, and justice; and I should rather expect to find those principles exhibited under the dictatorship of a second Cromwell than under a Government based upon the doctrines of the hon. Member for Birmingham. Sir, I have not made these remarks without considerable pain. It is painful to speak of any man in terms of reproach, still more of one with whom I have sat in Parliament for many years, and with whom I hope to sit in Parliament for many years more—most of all, of one who is so distinguished as the hon. Member for Birmingham for his prowess in the noble art of Par-

liamentary self-defence. But I know that my remarks are just; I feel that they are not uncalled for; and I think, from the manner in which they have been received, they will not be altogether thrown away. Sir, I have but one more remark to make before I sit down. The noble Lord, the author of this Bill, spoke feelingly the other night of the period which had elapsed since the passing of the Reform Bill of 1832, with which his name is indissolubly connected, and referred with just pride to the various measures of improvement which had been carried since the passing of that measure. It has been the noble Lord's happiness to witness the growth, maturity, and success of that great measure; but it can hardly be expected that the noble Lord will be permitted, after another similar lapse of years, to bear his testimony to the effects of the present measure. He must feel that he is committing it to the care of tutors and guardians with some degree of uncertainty and anxiety as to the result. The Bill we are now discussing, and which I hope will soon go into Committee, and pass in some shape or other, is one which will not affect the noble Lord and men of his age, but us and our posterity. Yet the noble Lord's reputation will be inseparably connected with this measure. His reputation is dear to every man in this House, whether on this side or on the benches opposite, and I therefore trust that we shall all do our best in the discussions which will follow so to improve and amend this Bill as to send it forth to the world in a shape in which it will prove, not a disgrace, but an honour to the noble Lord's name, and not a curse, but a blessing, to the country.

Lord JOHN MANNERS said, that in dealing with this proposed measure of Reform the noble Lord (Lord John Russell) seemed to think that because the Reform Bill had worked well since 1832, it was necessary to subvert the Constitution it had established. The noble Lord had gone on to enumerate the various beneficial measures that had resulted from the passing of the Bill of 1832, namely, the abolition of slavery, the Commutation of Tithes, the advent of peace and plenty in the place of disturbance, and famine, the beneficial alteration and modification of the whole of our Indian empire, and so on. But surely it was competent to him to draw out an equally long catalogue of disasters that had happened since 1832, and refer them likewise to the operation of the same measure. For instance, it might be said that the destruction of property of our colonists in the West Indies, the terrible rebellion in India, the Russian war, the Chartist insurrection in 1848, the Irish mortality, and the Irish exodus, and all the other calamities we had had to endure, were the results of the Bill of 1832. There was just as much common sense and sound logic in the one argument as in the other. But admitting the noble Lord's premiss to be correct, what was the logical conclusion for it? Why that they should "leave well alone;" for if they had a constitution that produced these beneficial results, why did they propose to change it? Now the noble Lord the other day was silent as to the principle of the Bill; but in his opening speech the noble Lord had dealt with the principle, if such it could be called, or chief portion of his Bill—namely, that part which related to the borough franchise, and that principle was purely arithmetical He had said, "We first took a £9 franchise, but we found it would not give us more than 30,000 or 40,000; then we took an £8 franchise, and we found that that would only give us 70,000 or 80,000 additional electors." The House would observe that it was always to quantity, never to quality, that the noble Lord looked. They then tried the £7 franchise, and that would give, they found, 122,812 additional voters. But still that was not enough to justify any alteration in the estimation of the noble Lord, so they went down to the £6 rental, and that gave the exact amount required — the golden medium — namely, 194,000 additional voters to the boroughs. The £6 franchise was therefore determined on as the basis of the new Constitution. Such was the principle, as stated by the noble Lord, of the Bill then before the House. But with reference to the figures upon which the noble Lord's calculations had proceeded the House had had an expression of the most discordant views. The hon. Member for Birmingham (Mr. Bright) had said it was all nonsense to suppose that a £6 franchise would give 194,000 additional voters, for there would not be more than 162,000 from such a rental being adopted as the qualification of an elector; and a few days afterwards, to his (Lord John Manners') great astonishment, the right hon. Gentleman the Secretary for the Home Department (Sir George Lewis) had backed up the statement of the hon. Member (Mr. Bright), and admitted the actual condition of the register would not

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give more at that rental than 160,000 new electors. Then they had the remarkable evidence of the hon. Member for Marylebone. There was no one in that House who could presume to say whether the figures of the hon. and learned Gentleman the Member for Marylebone were correct or not. The whole question was perfectly at sea, and the Government had been obliged, by force of argument, to consent to a Committee of the other House of Parliament, where the figures were being sifted; and until they had received the Report of that Committee he protested against proceeding with this measure, which according to the noble Lord was based upon figures and upon figures alone. But the noble Lord evidently apprehensive that in large towns his figures would fail him would seem to have adopted the fallacious theory of his coadjutor and friend, the hon. Member for Birmingham, that the small boroughs were merely an extension of the county representation, and said that if they took all the boroughs in England under 20,000 inhabitants the increase in the number of voters would be found to be so insignificant that there would be no serious change in the existing constituencies. Now, he (Lord John Manners) had taken out the first six boroughs in point of population under 20,000, and six of the lowest; and what were the results as showing what the real effect of this Bill would be? Shrewsbury had a constituency of 1,404; the noble Lord calculated that he would add 834; but for reasons assigned by many hon. Gentlemen in the course of that debate, it was far more likely that the next column in the Return would show the actual number, and then the increase would be 1,043. Colchester had a constituency of 1,257. According to the noble Lord there would be added 573; but according to the more reasonable calculation, the addition would be 716. King's Lynn had 1019; according to the noble Lord it would be increased 665; but according to the more reasonable calculation, 831. Whitehaven had 571; the noble Lord said the increase would be 474; the more reasonable calculation made it 592, or more than the whole of the present constituency. Kidderminster had 487; the noble Lord said the addition would be 1,173; the more probable calculation, 1,473, added to a constituency of 487. Would the noble Lord say that was not swamping the present constituency? Canterbury had a constituency of 1564; the noble Lord said the addition would be 482; the more probable calculation, 650. He then came to the six lowest boroughs; and he began with Totnes. The constituency at present was 341; the noble Lord said the addition would be 47; the more probable calculation was 59. Now, he would make the noble Lord a present of Totnes, as probably, even under his Bill, it would remain the same Whig fief as at present. Lyme Regis had a constituency of 265; the noble Lord said the increase would be 139; the more probable calculation was 174. Ashburton had a constituency of 193; the noble Lord made the increase 71; the more probable calculation, 89. Honiton had 287; the noble Lord made the increase 46, the more reasonable calculation 58. Arundel had 196; the noble Lord's increase was 80; according to the more reasonable calculation it would be 100. Was not that a considerable increase? But now, he would ask, taking whatever figures they pleased—whether those of the noble Lord, the Home Secretary, or the hon. and learned Member for Marylebone, whether there was not a preliminary question which ought to be settled before they went into these schedules and figures that had so perplexed them? The Question had as yet been neither asked nor answered;—it was this —"What are the evils and defects of the present system, and what are the remedies fit and proper for their mitigation or removal?" It was not alleged, or if alleged it was not true, that the populations of the large cities and boroughs were not fairly represented in this House as to their predominant opinions. Take the two first boroughs on the list in point of population, the Tower Hamlets and Liverpool. Would any one assert that the hon. and learned Gentleman (Mr. Ayrton) who so ably and zealously represented the vast and varied interests, and the enormous population of the Tower Hamlets, and his hon. Friend (Mr. Horsfall) did not fairly represent the preponderating opinions of those places? This, therefore, was not the defect of the existing system. What was it then that was complained of? Why, it was, that when they came low down in the present constituencies they found the poorer voters liable to corrupting influences, and by means of Committees and Commissions they had received information of so startling and so painful a nature that it had become a scandal, and a scandal which they all thought ought to be put an end to as speedily as possible. But then he would ask what

effect this Bill was calculated to have in a remedial point of view. How was that Bill calculated to diminish the influences of bribery and corruption amongst the poorer classes of voters. As far as he could see the only effect would be to double and treble and even quadruple the area in which those corrupting influences might hereafter be exercised. Allusion had been made to the Bill of last year. No one could deny that that Bill, by the variety of the franchises which it proposed to confer, did tend to bring new classes within the pale of the Constitution, and infuse into the life of Parliamentary boroughs fresh and healthy elements, elements drawn from the intelligence and industry of the country, which might have had, and probably would have had a most beneficial effect in raising the general standard of electoral morality. But the Bill of the noble Lord was entirely silent upon that subject. It would not do to say "Wait until we get into Committee, and then we will make the Bill all that it ought to be;" for of course the Bill must be treated as representing the matured views of the Government on the subject. He would sum up his objections so this part of the Bill, by saying that whereas the Bill of last year sought to raise the working man to the level of a franchise easily obtainable by industry and honesty; the Bill of the noble Lord merely lowered the franchise to the level of bribery and corruption. The hon. Gentleman who had just sat down repudiated the taunt of being unmindful of the claims or wishes of the working classes; he had no fear of the behaviour or the principles of the working classes, but yet he hesitated to give his support to a Bill for an indiscriminate degradation of the franchise. He (Lord John Manners) agreed with the hon. Gentleman. He did not object to the introduction of working men within what was called the pale of the Constitution, although he denied that they were excluded from it at present. Much had been said, especially by hon. Gentlemen opposite, about the ignorance of the working classes concerning the principles of political economy. He was no great political economist himself, and after what had lately happened he doubted whether the originators and authors of the French Treaty of Commerce could fairly propose to keep out the working classes upon the sole ground that they were not adepts in political economy. He did not fear the use the working classes would make of the franchise. Probably the first questions which a House of Commons representing the views and wishes of working men would discuss would not be those great political changes which some Gentlemen apprehended, but questions which would come home to the hearts and interests of the working classes — questions affecting the relations between employer and employed. He did not wish to dwell on that subject, but as the hon. Gentleman the Member for Birmingham had more than once at meetings in the country made significant allusions to the present position of the working classes, and had given them some advice, he (Lord John Manners) would take the opportunity, as he was not able to go to those meetings graced by the presence of the hon. Gentleman, where he,

> "Like Cato gave his little senate laws,
> And sate attentive to his own applause—"

as he (Lord John Manners) had no opportunity of referring, excepting through a free House of Parliament, to the arguments of the hon. Gentleman, he proposed to say a few words on the arguments which the hon. Gentleman had twice recently brought before the notice of the working people. He had said in effect to the working man, "You have at the present moment, a most important, a most influential, but I must say a most dangerous organization; the organization of your clubs and your trades unions. Believe me nothing can be more fallacious or more fatal than the object to which at present you are directing your organization. But trust to me—give me and my friends the direction of your trades unions and organizations, and then you will see what wonderful political effects I will produce for you." Now he (Lord John Manners) thought the hon. Gentleman had not found that the working classes had shown any great disposition to take his disinterested advice on that subject, and the reason was obvious. The working men of the North had memories, and they were shrewd men, and they knew perfectly well what they were about. They knew what they proposed to themselves in their organization, and in maintaining their organization. They knew the past career of the hon. Member for Birmingham, in that House, and when he came before them and said, "I am your friend. Give up the machinery of your organization by which you purpose to improve the relations between employers and employed; suffer me to divert all that machinery to the political objects I have at heart," the working men naturally said,

"We have watched your past career in Parliament. You were in Parliament in 1846 and 1847, when a great question to which we attached the utmost importance was brought forward—a question which had inspired our energies, and for which we had toiled and sacrificed our hard earnings for years. How did you behave when that question, to which we attached such paramount importance, was under discussion in the House of Commons?" They looked at the records of that House, and they saw that the hon. Gentleman was one of the most pertinacious of all the opponents of the Ten Hours Bill. He succeeded in defeating it by a narrow majority in 1846. It was brought forward again in 1847, and then the hon. Gentleman not only spoke against it, but acted as a teller for the small majority against the second reading of the Bill. The hon. Gentleman perhaps might answer and say, "Oh, that is an old story; that is thirteen years ago. I admit that I was then an enthusiastic political economist; but I have seen enough in the last thirteen years, to make me admit that my predictions have been falsified, and that great benefits have resulted to the manufacturing districts from that legislation to which I was opposed." But was that so? Only the other day, a month ago, there was under discussion a supplement to the Ten Hours Bill—a Measure which attracted the sympathies of the great body of the working classes whom it would peculiarly affect. No doubt the working classes would say to the hon. Gentleman, "What was your conduct on that Bill?" And the hon. Gentleman, if he condescended to answer them, must give an answer of a very remarkable character. He must say, "True it is, that I was in the House of Commons before that Bill came on; for, working men of England, there was a Bill which was to do you good by depriving the bloated Church of England of some of its revenues. I was in my place to support that Bill, and to give it my hearty and cordial support; but when the Bill relating to the sufferings of the bleachers was proposed, knowing the use I wished to make of you on the subject of Reform, I had not the courage to carry my convictions into action and vote against the second reading of the Bill, and so I absented myself from the House." Now he (Lord J. Manners) trusted the working men, with their shrewdness, would not place confidence in the hon. Gentleman, and follow his insidious and pernicious advice. He now came to the second portion of the Bill of the noble Lord, by which he proposed to cut down the county franchise to £10. Well, now, here again he might ask what were the evils of the present system, and how were they proposed to be remedied? [Lord J. Russell: The same as in your own Bill.] But their position was this, that their Bill dealt with the evils, and the only evils which the present system of representation ever had alleged against it; but the Bill of the noble Lord remedied, and was intended to remedy none. The noble Lord, in introducing his Measure, said:—

"During the progress of the Reform Act through this House it was decided that freehold and leasehold tenures should no longer give the sole title to a county vote; but that an occupation merely of the annual value of £50 should also confer on the occupier the right of voting. That was an obvious change on the nature of a county franchise. That claim having been sanctioned by Parliament, those who since that time have looked into the subject, with the view of amending the law, have very naturally said, 'If an occupation merely is to give a title to a vote, it should no longer be restricted to a £50 holding; the occupier of a £20 or £10 holding is as fully entitled to a vote, and would form as good a class of electors as the occupier of a value of £50." That view of the question has been more than once adopted; in principle it was adopted by the late Government."—[3 *Hansard*, clvi. 2051.]

But he (Lord J. Manners) took leave to say that the simple reduction of the county franchise was not the principle of the Bill of the late Government, as alleged by the noble Lord. The late Government asked itself what were the evils of the existing county franchise, and they found that they were two; first, that in some of the populous counties the freeholders resident in boroughs were likely to overwhelm entirely the voice of the purely county constituencies, and trench on the rights and privileges of the rural districts of which his hon. Friend (Mr. Newdegate) had spoken, that was the first defect. A most unfounded and unfortunate prejudice was immediately raised by the noble Lord, and those who acted with him, against that portion of the Bill, an amendment of the law in favour of which so many sincere and earnest Reformers in that House had spoken, and which was held by them to be legitimate and proper in 1832, but which was now stigmatized by the noble Lord as something unheard of in the annals of Parliamentary history. Was it pretended that by the present county franchise an opportunity was not given to the rural districts for the free expression of

their opinion? Nobody pretended that the counties were improperly or unfairly represented by the county Members, nor was it alleged, as in the case of the boroughs, that anything like bribery and corruption prevailed in the counties. In point of fact, the only county Member petitioned against on the ground of bribery at the last election was himself, and although the allegations of bribery and corruption were of course made, nobody who knew anything of North Leicestershire was surprised at his retaining his seat. The charges against county Members of bribery, corruption, and intimidation were confined to the platforms of Birmingham and Manchester; nobody in that House rose to repeat them. The only other defect that the late Government had to deal with was this,—that whereas a person living in a £10 house in a borough exercised the privilege of the franchise, his equal or superior in intelligence or social position residing immediately outside a Parliamentary borough, though he might reside in a £20, or £30, or £40 house, was denied that privilege. The Bill of the late Government completely cured that defect. But, he asked, did the Bill of the noble Lord cure it? It merely reduced the franchise in counties from £50 to £10, and in boroughs from £10 to £6; so that in principle and in practice the defect remained as before. The noble Lord had begun at the wrong end of the scale. He was confident that the noble Lord must feel that he had made a great mistake. His Bill perpetuated the defect, and up to the present moment there had been no indication of the intention of the noble Lord to modify that portion of the Bill in Committee. He (Lord J. Manners) had not the slightest fear of the influence which the £10 householders would exercise in county elections, but he could not submit to any very large extension of the franchise in counties without some counterpoise, which would give a security for the future character of the county representation. It was impossible for any one who was acquainted with the larger counties, not to see that, from year to year, owing to the increased wear and tear of public life, the early and late grinding in the Parliamentary mill, the increased demands upon their time and attention, there was a great and growing indisposition evinced by the country gentlemen of England to continue the part which they had hitherto borne in the public business of the country. He said, then, it was not the part of an English statesman, nor consistent with the wisdom of Parliament, to do anything which could tend, by possibility, to increase that lamentable indisposition. The noble Lord continued the borough freeholders, and cut down the franchise in counties to £10. The late Government not only proposed to remove the borough freeholders to the borough, where justice demanded that their votes should be given, but they divided several of the very largest counties. Did the Bill of the noble Lord do anything of that sort? Not content with increasing the difficulties now standing in the way of county gentlemen, of ability and high position, representing their native counties, he not only added to that indisposition by this great reduction of the franchise, but compelled several of the larger and more populous counties, where the difficulty was greater, to send three Members instead of two. That brought him to that portion of the Bill which dealt with the question of the re-distribution of seats. He viewed, with the greatest distrust and dislike, the proposal of the noble Lord to add another Member to large towns and large counties. If they were to have these Unicorn seats at all, upon what principle were they to be established? Population? Hardly that; because the Tower Hamlets, which stood at the top of the list, was not to be permitted to have more than two. Would the noble Lord say that he had withheld the additional Member from the Tower Hamlets, because there was no diversity of interests to be represented? Hardly that, because there was no borough in the kingdom in which the interests were more diverse than they were in the Tower Hamlets. Perhaps it was thought unnecessary to give an additional Member to the Tower Hamlets, because, being contiguous to London, it was thought the Members for London and for Westminster, or Southwark, would look after its interests; but if that was the case, why should Manchester have three, and Salford, which was contiguous, only one? He really thought that the hon. Member for the Tower Hamlets had been somewhat hardly dealt with by his noble Friend. The Tower Hamlets had the largest population, and the greatest diversity of public interests; and though it was unquestionably represented by Gentlemen of great energy and ability, its claims to a third member, if that principle were conceded, ought to be admitted; and the hon. Member was perfectly justified in asking that one or two Members should be taken from the City,

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and added to the Tower Hamlets. These seemed some of the principal sins of commission in the noble Lord's Bill. The sins of omission in this Bill were enormous; they were past all enumeration, and they were so important and so weighty, that he confessed, when he heard the noble Lord introduce the measure, and witnessed the melancholy silence with which the dispirited colleagues of the noble Lord had listened to the dreary catalogue of stale proposals as they fell from his unimpassioned lips, he was inclined to ask himself, was this the great measure of Parliamentary Reform, the deliberate judgment of a Cabinet which arrogated to itself all the intelligence, all the Liberalism, and even all the enlightened Conservatism of the day; or was it rather the dreary, perfunctory redemption of a rash pledge, given for a party purpose? That was the impression produced on his mind when the Bill was introduced. Not a Minister spoke on that occasion, and the duty of defending the Bill was left in the hands of the hon. Member for Birmingham alone. To him and the hon. Gentleman, the Member for Rochdale, England owed the Commercial Treaty, about the effect of which the various Chambers of Commerce were now so ecstatic and so eulogistic; to him they were indebted for the defence of the cession of Savoy and Nice to our magnanimous Ally; and now he appeared as the great defender of this Reform Bill. He (Lord John Manners) thought that the time had really come when the gangway ought no longer to separate the hon. Member for Birmingham from the Government which he supported; for he it was to whom was entrusted the defence of our foreign as well as domestic policy; and therefore it was that he thought he ought to be placed in some position where he might share the honours he had earned, and answer the responsibilities he had incurred. The practical question, however, before the House was, what were they to do with the Reform Bill — how were they to treat it? It struck him that the House were very much in the position of the immortal Mr. Pickwick and his friends, when they were walking about the country with an enormously tall horse, which they did not know what to do with. There was a Gentleman in that House told them that it very much interfered with his business, which he performed as Chairman of Committees with the greatest possible urbanity and ability. He gave the House to understand the other day that he had got a very nice horse-box into which he could put this very disagreeable horse until it was wanted; the House hailed the proposition with delight; but no, the noble Lord was inexorable, and would have him trotted out again; and now what were they to do with this most mischievous and unruly animal? What were they to do with the Bill? In that magnificent oration to which no reply had yet been made, and to which he ventured to say no reply would ever be made, which rendered memorable the debate of last Thursday, the right hon. Gentleman the Member for Hertfordshire (Sir E. Bulwer Lytton) appealed in most patriotic terms to the noble Lord to withdraw the Bill. The noble Lord spoke after him; but he could not collect from the speech of the noble Lord, that he was prepared to adopt that patriotic recommendation. He hoped the noble Lord meant to withdraw the measure; but should he insist on proceeding with it in Committee, he ventured to say that all the resources of the most distinguished statesmen, and all the qualities of mind and body that could be brought to bear upon it, would be required to carry it through, and to render it an effective reform of the Representation of the People. But what was the position of the noble Lord? Was he capable or able, however willing he might be, to devote that time and those energies to this question which its importance demanded? The noble Lord was at that moment directing the foreign affairs of this mighty empire, and at a crisis in the condition of Europe the dangers and difficulties of which no one could exaggerate. Let any one go into society, and say to the warm admirers and friends of the noble Lord, that you were disappointed with the noble Lord, because he had not managed our foreign policy with that skill and that success and vigour that was expected of him, or that you could not understand how it was that, when Members of the House of Commons brought forward statements with regard to the ambitious designs of France upon Savoy and Nice, although the Foreign Secretary was constantly receiving despatches on the matter from our Ambassador at Paris, he seemed to be entirely ignorant of the nature of those important communications or most culpably indifferent to them. "Oh," replied his friends, "don't be so unjust; at that moment the noble Lord was deep in the mysteries of the Reform Bill, in the consideration of £5 and

£6 franchises, removing the scruples of reluctant colleagues, and, in short, was doing that which would send down his name to posterity as the greatest reformer of the age." But, on the other hand, if any one complained to the friends of the noble Lord that he had not produced such a Bill as the House and the country had a right to expect, their answer was "Don't be so unjust; could you expect that the noble Lord was able to pay attention to questions about the franchise when he had in his hands the management of the whole affairs of Europe, and had to penetrate the designs of ambitious monarchs and restrain the fury of undisciplined peoples?" He did not mean to quote the description of the noble Lord given by a facetious Canon, but it was hardly a metaphor to say that the noble Lord had exceeded even the anticipations of his reverend friend and was undertaking the operation of cutting for the stone and commanding the Channel fleet at one and the same moment, for he was cutting and carving and slashing at the vitals of the Constitution of England, and at the same time was directing, not the movements of the Channel fleet only, but of all the fleets of England over the globe. It was plain to him that the noble Lord was overtasked, and could not properly perform the double duty which he had undertaken to discharge. He could not properly and successfully be engaged in remodelling the Constitution of the country and managing the foreign affairs of a mighty empire in the present condition of Europe at one and the same time. The consequence was that the want of success in his foreign policy was excused by his attention to domestic concerns, and the failure of the noble Lord in domestic concerns was explained by the time and attention which he was obliged to give to foreign affairs. He trusted that the noble Lord would make a selection between resigning the seals of the Foreign Office or shelving this unfortunate Reform Bill. He must confess he would far rather see the noble Lord holding the seals of the Foreign Office, because, though he had little confidence in his skill as a diplomatist, he had confidence in his generous English sentiments, though he greatly doubted whether those sentiments were shared by some of his colleagues. At all events it was plain that the noble Lord must take one course or other, or it was clear that the nation must expect a failure in our foreign policy, and a miserable abortion in the shape of a Reform Bill. Would the country blame the noble Lord if he adopted the course now recommended to him of withdrawing this Bill? He believed that the country would not blame him or the Government; he was certain that on that side of the House no taunt, no insinuation would be heard against the noble Lord if he adopted such a course. It would be the patriotic course; and on that side of the House he was safe from all reproach. But would the country blame him? The country was not so apathetic as some pretended on the subject; it was not so eager as the hon. Member for Birmingham believed. But the country was anxious lest, through want of consideration or through prejudice or party feeling, an ill-considered and fatal change should pass over those institutions which had so long reconciled liberty with order and blended into one harmonious whole the various classes of an ancient and illustrious community. Let us, then, he said, respect that just and noble apprehension, and let us cease to present the startling spectacle of a reluctant Parliament forcing on a still more reluctant people, legislation so devoid of merit, so full of errors, and so fraught with danger to the institutions of the country.

MR. HODGKINSON said, the debate was well nigh exhausted, as was proved by the variety of extraneous topics upon which succeeding speakers had enlarged. The noble Lord who had just sat down (Lord John Manners) had treated of the Ten Hours Bill, the Bleaching Bill, the builders' strike, and the manner in which the noble Lord the Member for London conducted the foreign affairs of this country, topics which seemed to have very little connection with the Bill before the House. Indeed, if a stranger were introduced into the House he would suppose from the constant allusions to the hon. Member for Birmingham that he was the chief occupant of the Treasury Bench, and that the House was engaged in discussing a vote of want of confidence in him; and if he were told that the object of all their vituperation was a Reform Bill, he would imagine that it was not the mild and temperate measure of reform introduced by the noble Lord that they were discussing, but that the measure they were deliberating upon was the other Bill promulgated to the country by the hon. Member for Birmingham, sixteen months ago, but which from a wise discretion had not been brought before the House. Something had been said

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of the great power possessed by the industrial classes through the means of their great organization, as shown by the recent strike, which, it was said, made it dangerous to intrust them with the franchise. But there was no analogy between the builders' strike and the exercise of electoral privileges from which it could be inferred that the organization in question could be made applicable to political purposes. It was to be expected that the working classes would agree upon a question involving the subject of wages and the hours of labour; but it was by no means so clear that they would agree upon political questions in which their interests were not so direct and immediate. Hon. Members on his (the Ministerial) side of the House were told that they supported the present Bill, not because it was in accordance with their convictions, but because they were impelled by pledges delivered on the hustings at the last election. He repudiated such motives, and it seemed to him that this argument was inconsistent with another argument which had been made use of by hon. Gentlemen opposite, that there was an apathy in the country on the question, and there was no desire for reform out of doors. If that was so where was the pressure from without upon them, and what had Liberal Members to fear when they went to the hustings by-and-by?" There was not after all so wide a difference between hon. Gentlemen opposite and those on his side of the House. The substantial difference between them limited itself pretty nearly to two points—the reduction of the borough franchise from £10 to £6, and the omission from the present Bill of the fancy franchises included in the Bill of the late Government. However much hon. Gentlemen might object to the reduction of the borough franchise, they can hardly be surprised that it should form an ingredient in any Bill to be introduced by the noble Lord (Lord J. Russell); for was it not the fact that the reduction of the borough franchise was the very rock upon which the Bill of the late Government was wrecked? Was not the country appealed to in consequence? And if there was one real intelligible issue before the country at the last election was it not with reference to this very point? The right hon. Gentleman the Member for Buckinghamshire, in the speech he made upon the vote of want of confidence last Session had himself described the answer made to that appeal, and admitted distinctly that the country was against him, on the subject of the borough franchise. The right hon. Gentleman said—

"The question of the borough franchise must be dealt with, and it must be dealt with too with reference to the introduction of the working classes. We admit that that has been the opinion of Parliament, and that it has been the opinion of the country, as shown by the Gentlemen who have been returned to this House. We cannot be blind to that result. We do not wish to be blind to it. We have no prejudice against the proposition. All we want is to assure ourselves that any measure we bring forward is required by the public necessities, and will be sanctioned by public approbation and support; and therefore we are perfectly prepared to deal with the question of the borough franchise and the introduction of the working classes by lowering the franchise in boroughs, and by acting in that direction with sincerity, because as I ventured to observe in the debate upon our measure, if you intend to admit the working classes to the franchise by lowering the suffrage in boroughs, you must not keep the promise to the ear and break it to the hope."—[3 *Hansard*, cliv. 139.]

If the words of the right hon. Gentleman meant anything, they meant that if he had been spared for another Session to sit on the Treasury benches, he was prepared so to lower the franchise as to admit the working classes to such an extent as not to "keep the word of promise to the ear and break it to the hope." The hon. Member who, in last Session, moved the Address in Answer to Her Majesty's Speech likewise stated that the Ministry had shown a wise discretion in announcing that their measure of Reform would be considered in the next Session, and that he had reason to believe that it would propose a diminution of the borough franchise. Those who enjoyed a power or privilege were not usually predisposed to dilute that power or privilege by extending it to others, it must therefore be regarded as conclusive evidence of the strong claims of the working classes to the franchise, that at the recent general election, the existing constituencies evinced their willingness to concede it to them. Hon. Members who affirmed that there was apathy out of doors on the subject of reform assumed that which all recent experience had disproved. People were not usually noisy and clamorous in asking for the fulfilment of a pledge, the non-fulfilment of which they had no reason to expect. On both sides of the House reform had been promised—a substantial measure of reform, which would admit the working classes to a large share of the franchise, had been promised, both by those who occupied the Ministerial benches,

and those who should occupy the Opposition benches if they were present. Why, then, should the people out of doors doubt that such pledges would be honestly fulfilled? If, however, the House should be induced to reject this measure of reform, or so to limit its provisions as to lead the people to believe that the promises which had been made to the ear were to be broken to the hope, then he believed the tone of the people out of doors would be changed; and, although he felt satisfied it never would exceed constitutional bounds, yet it would suffice to convince those who believed them apathetic how mistaken they had been in entertaining such a belief. It seemed to have been assumed by those who opposed the Bill, that the admission of the working classes to the franchise was an experiment of a perfectly novel character. It might be some consideration to hon. Members, whose respect for our institutions were almost in proportion to their antiquity, to be reminded that the Bill, so far as reducing the borough franchise from £10 to £6 was concerned, gave but a partial restoration of many of the boroughs to their ancient rights. He was one of the representatives of a borough (Newark) which was a type of a class, and in which, prior to the last Reform Bill, there were upwards of 1,600 electors. The effect of the Reform Bill had been to reduce the electors of that borough to less than half that number. He did not allude to the freemen, but to those who bore scot-and-lot, and who then enjoyed the franchise. The effect of the present Bill would be to increase the constituency again to something over 1,000. Had the privilege of the franchise been abused in that borough prior to the last Reform Bill? On the contrary, it was not within the memory of the oldest man living that any petition had ever been presented to the House charging that borough with bribery and corruption. The hon. Member for Maldon (Mr. Peacocke) had alluded to the borough of Newark as an illustration of the advantage of a small constituency, because it had had the judgment to introduce into Parliament such men as the present Chancellor of the Exchequer and the noble Lord who had last spoken. A third might have been added to the list, the late Lord Chancellor Truro. But although the fact was used as an argument in favour of small boroughs, the hon. Member who employed it had mistaken his mark, for when he (Mr. Hodgkinson) told the House that the introduction of the three Statesmen he had named took place before the constituency became reduced to its present limits—he believed two of them were returned when the constituency was between 1,400 and 1,500—it could hardly be said that that was a case to be quoted in favour of small boroughs, although it might be quoted as an instance of the judicious selections which were made by a constituency, of which a large part belonged to that very class intended to be restored to the franchise by the present Bill. With regard to what were called "fancy franchises," he could not help thinking that the lodger franchise, the payment of direct taxation, and some of the franchises embodied in the Bill of the right hon. Gentleman, the Member for Buckinghamshire, might with advantage be added to the present Bill. The lodger franchise would certainly add a large number of intelligent, well-educated men to the constituency, and, if proposed in Committee, he should give it his support. He hoped, however, that the House would speedily pass to the second reading of the Bill, and not disappoint the just expectations of the country.

MR. HOPWOOD expressed his belief that general apathy did prevail in regard to the question of reform. A tolerably correct estimate of the amount of interest excited by any public measure might be formed from the number of petitions presented concerning it, and he found, from a statement in *The Times*, that while 3,330 petitions, with 211,262 signatures, were presented with reference to the wine licences, and 10,986 petitions, with 794,045 signatures, with reference to church rates, only 96 petitions, with 33,756 signatures, had been presented with regard to Parliamentary Reform. This, he submitted, showed that great apathy existed on the subject of Reform. He believed that if the country were polled, the great majority of the people would be opposed to a measure of this kind. In the agricultural districts he had been hardly able to discover an individual who wanted reform; and speaking of Lancashire, he knew that in Burnley, which was one of the new boroughs to be enfranchised by the Bill, they cared very little about it indeed; on the contrary, they said it would be the worst thing that could happen to the town to have the privilege of returning a Member conferred upon it, because a contested election gave rise to so much bitter political feeling; in short, that they were happier

without representatives than they would be with them. The hon. Member for Birmingham had pointed to the fact that when he was last at Manchester 7,000 persons came to listen to him, as proof that there was a demand for reform; but surely 7,000 persons out of a population of 400,000 were but a very small proportion, and no doubt as many would have assembled to hear the right hon. Member for Bucks, or the right hon. Baronet the Member for Herts, had either of those Gentlemen gone down to address them. The fact was, that it was holiday time, and the people had nothing better to do than listen to an animated and energetic speech from the Member for Birmingham. That hon. Member had also stated that he had gone through a large warehouse in Manchester, where he saw a quantity of goods of various fabrics, the produce of the ingenuity of the working men, who, he complained, had not a voice in the election of the Members of this House. He (Mr. Hopwood) contended that it was not these men exclusively who manufactured the goods, which were the produce rather of the ingenuity, the thought, and the care of their superiors. It might as well be said, with respect to the Reform Bill, that the men who printed it had no votes; but the Bill itself had been prepared, not by the men who printed it, but, he was sorry to say, by the noble Lord the Foreign Secretary, in redemption of an unfortunate pledge, and to gratify the prejudices of Gentlemen below the gangway. It appeared to him that Governments in the present day were becoming mere delegates of a certain section of the House. To secure the support of the Members for Birmingham, Tavistock, and Swansea, noble Lords on the Treasury bench chose to outbid right hon. Gentlemen on that, the Opposition, side of the House. If they wanted anything they had only to ask for it, and if possible it was yielded. Our foreign diplomacy was managed by the hon. Member for Rochdale, whose absence from the House he (Mr. Hopwood) deplored, although, no doubt, Her Majesty's Ministers were glad of it, because possibly some ugly questions might have been put to him had he happened to be present. He regretted the even balance of parties, because it begot insincerity in public men. In his opinion, the time had arrived when the only method of forming a strong Government was by an admixture of the Conservative element on both sides of the House. If that were the case, he believed that we should see better measures introduced; that Government would not succumb to the anti-church rate agitation; and that there would be no question raised about Parliamentary Reform. The differences between the Conservative portion of the Ministerial party and the Opposition were now mere matters of history; they no longer existed in reality; and it was only with the view of obtaining the support of Gentlemen below the gangway that many measures had been introduced and pressed forward through the House in the past and present Session. As this Bill had been brought in, however, they might as well have had a good one, and if the noble Lord the Foreign Secretary was the author of it, he must endorse the opinion that the noble Lord was the most overrated Statesman that had ever sat high in public office. There was plenty of time to have prepared it in, as well as ample experience on the part of the Government. He must, however, submit that, as far as the present Parliament was concerned, it had performed its duties well, and that it would be unwise to kill the bird that had laid the golden egg. But it was difficult to find any one who spoke in favour of the present measure. Indeed, it was apologised for by the noble Lord himself when he brought it in, for its unpretending character, although they were now told that it was most democratic in its provisions. It had not been well and maturely considered, and he believed that if an Amendment were put, that it did not satisfy the just expectations of the people, it would receive the support of every honest man in the House. It contained no provision for registration or for new polling places. It made no attempt to protect the exercise of the franchise by means of a system of voting papers or otherwise. It omitted to introduce a lodger franchise. It failed to admit a certain amount of intelligence to counter-balance the £6 voters, and it left the present boundaries of boroughs untouched, although no one could doubt that they required revision and extension, owing to the increase which had taken place in buildings and population since the year 1832. The present system of employing agents at elections was admitted on all hands to be most mischievous; and he thought that the disfranchisement of beerhouses would be an excellent thing. He disapproved also of the practice of canvassing. He did not think that it was a good thing at all for Members or paid agents to go about

canvassing the electors. Let hon. Gentlemen content themselves with getting on the platform and making speeches, and cease any longer to resort to a practice which was prejudicial to the morality of the country, and lay at the very foundation of all the bribery and corruption of which they heard so many complaints. Again, he would ask why should four brick walls be the only test of fitness for the possession of the franchise in boroughs? Why did they give the vote to the house and not to the man? This, too, was a subject which might well be considered. Were there no other means of conferring the franchise? Had not the people who paid income tax some right to be represented in this House? The noble Lord, had he chosen, might have brought in a Bill that would have rendered his name illustrious in the annals of the country, but instead of that he had prepared a measure about which one-half of his own colleagues on the Treasury Bench cared nothing whatever. Their only care, indeed, was as to on which side of the House they should sit. What he wanted to see was, not the franchise lowered to the man, but the man raised to the franchise. The noble Lord and the Member for Birmingham used the term "working classes" in a very different sense. The working man of whom the noble Lord spoke was the artisan who devoted his time, talent, and energy, to raising himself in the social scale; whereas the working man of the hon. Member for Birmingham was a mere mechanic, who stood behind a machine, was acted upon by all kinds of influences, was the creature of impulse, and peculiarly open to bribery and corruption. The working man of the noble Lord and the working man of the hon. Member for Birmingham were, therefore, totally different persons. He saw the hon. Member for Calne (Mr. Lowe) sitting opposite. That hon. Gentleman was a Member of the Government, but seeing the reception which he had once met with from the working men of Kidderminster, he presumed he was not very anxious to entrust the franchise to such hands. Then at Sheffield, too, he understood that the master-manufacturers were not desirous that so much power should be given to the working classes. Indeed, he had heard reports that a short time ago, in consequence of a disagreement with their masters concerning the introduction of machinery, or something of the sort, the workpeople took the matter into their own hands, went to the manufactories, and attempted to set them on fire by throwing vitriol and other combustibles about the premises. The magistrates were applied to, but they dared not take notice of it lest a riot might have been the result, and subsequently he understood the matter was laid before the Home Secretary. How it ended he did not know; he spoke only from what he had heard reported on the subject. He believed that if the Bill were to go into Committee, it would be met by such a volley of Amendments that it would be impossible to pass it in the present Session. The Bill had disappointed the just expectations of the country, the people were disgusted with it, and he hoped that the Ministers would gratify the wishes of many even of their own friends by withdrawing such an imperfect and unsatisfactory measure.

MR. CAIRD said, that when he heard the observations which had been made by the hon. Member who had just sat down, but more especially of those of the noble Lord the Member for Leicestershire (Lord John Manners), with regard to the hon. Member for Birmingham, he was at first sorry that that hon. Member, having already spoken in the debate, was thereby prevented from defending himself; but when he reflected on the public spirit and political disinterestedness of his hon. Friend, he then felt that no defence was really required. He would therefore turn to the speech of the right hon. Member for Herts (Sir E. B. Lytton) which he thought more brilliant than conclusive. It rested mainly on the proposition that if one class should predominate over any other class, the common interest was gone. Now, it was on that very ground that he supported the Bill of the Government, as it was his belief that the working men were not only predominated over in the present constituency, but could hardly be said to be recognized in it at all. He would readily grant all the conclusions of the right hon. Gentleman, if the result of this Bill should be to reverse the present system, and to give to one class, and that the lowest, the predominance. But he should endeavour to prove that no such result would ensue, and, unless the Bill of the Government had been framed with the very object of admitting a due proportion of the working classes to the franchise, it would not have had his support. It was conceded on all sides that the exclusion of the working classes was the main defect of the first Reform Bill.

Would this Bill afford a safe remedy for that defect? He should endeavour to show that it would. And first, as to the extent of the change—from the Census Returns of 1851—it appeared that there were 4,800,000 inhabited houses in the United Kingdom, and as the present constituency numbered about 1,200,000 there was thus one elector for every four households in the country. The Secretary for the Home Department, who had the best means of knowing, estimated an addition of 400,000 at the utmost, as the effect of this Bill. That would give one elector for every three households in place of one in four; and that being the extent of the change it could not be deemed either sweeping or dangerous. It was not only very far short of universal suffrage, but it was also very far short of household suffrage, inasmuch as only 1,600,000 householders would be admitted, while upwards of 3,200,000 would still be excluded. He agreed with the right hon. Baronet that in the next thirty years large numbers of those still excluded would gradually come in; but that was a result which ought naturally to flow from increasing prosperity and intelligence. An illustration of the effect of such a change as would be made by this Bill might be found in Scotland and Ireland. One man in twenty of the whole population in England at present had a vote, one in thirty in Scotland, and one in thirty-four in Ireland. On the two latter countries the addition made to the constituency by this Bill would be to give to Scotland and Ireland the same proportion of electors to population—namely, one in twenty—as had been with perfect safety enjoyed by England for the last thirty years. During all that time the franchise, though equal in name, was practically one-third more democratic in England than in the sister kingdom, and yet no one would charge English Members with any special leaning to democracy. But let them take another view. Assuming that the whole of the present voters were above the class of working men, and even admitting for a moment that the whole of the new constituency would be of that class, there would still be more than three to one against the latter. Not only was there no proof, however, of the new constituency being solely composed of the working class, but he would be able to show that the proof was the other way. The Return from the city of Edinburgh, which he held in his hand, would satisfactorily dispose of another objection that had been raised by the right hon. Member for Buckinghamshire, namely, the monotonous character of the new constituency. This Return, which was attested by the assessor for Edinburgh, and the particulars of which had been collected by him with great care, furnished information regarding the occupations and pursuits of the people of every class, down to the poorest, such as had not before been exhibited in a form so full and complete. It was shown by it that, instead of monotony in their pursuits, the new constituency followed 174 separate occupations. The population of Edinburgh was at present about 180,000, and the male householders were 22,058. Of these about 8,000 were occupiers of £10 houses and upwards. By the £6 franchise about 4,000 would be added, but upwards of 10,000 householders in Edinburgh would still be excluded; so that if Edinburgh were to be taken as a tolerably fair example of the general result of the new Bill among large populations, not metropolitan, it appeared that no such sweeping changes as had been attributed to it would be effected by this Bill. He would quote some figures from the Return which he thought would be of interest to the House. Of the new constituency, that is of those between £6 and £10, nearly three-fourths were of the working class, skilled artisans chiefly, the remaining fourth comprising the same classes as now possessed the £10 franchise. Of mere labourers there would be but a fortieth part of the new constituency, and less than 100th part of the whole body of electors. Among those to be enfranchised there would be 33 agents, 2 architects, 12 artists, 10 booksellers, 34 bakers, 111 clerks, 31 commercial travellers, 15 engravers, 14 drapers, 61 Government officials, 14 inspectors, 11 lithographers, 11 missionaries, 3 naval and military officers, 4 photographers, 6 sculptors, 8 stationers, 2 surgeons and physicians, 10 teachers, &c. Referring to the different trades and occupations in which there were more than 500 persons engaged he found that of clerks there were 544, of whom 377 were at present on the roll as £10 householders, 111 others would be enfranchised by this Bill, and 56 would be still excluded. Of 1,171 boot and shoemakers, 202 were at present on the roll, 202 would be added to the number, and 745 would continue to be excluded. Of 528 cabinet-makers and upholsterers, to the 154 who were already on the roll, 157 would now be added, and 217 would remain unenfranchished. Of 710 car-

penters, 230 would now be added to 127 already enjoying the franchise, and 353 would continue to be excluded. Of 519 printers and compositors, the 126 who were already voters would be strengthened by an addition of 166; and 227 would remain still off the roll. And in the case of common labourers, to whom more than any of the others the objection on the score of monotony ought to be applicable, out of a total number of 1,767 there were 17 who were already on the roll, 113 would be added, and 1,637 would be excluded. These facts showed that no constituency could be more various in their interests and pursuits or less likely to combine against any one class. The lodger franchise, if it were added, would give little more than 300 voters in Edinburgh—men well qualified, and to whom the franchise could be most safely intrusted. He hoped these facts would satisfy the House that, while the Bill of the Government would, on the one hand, make no dangerous or overbalancing addition to the constituency, it would secure representatives from every class in the community at present excluded. As to the fitness of such men to exercise the franchise, he would urge the great extension of education among the people which had taken place since 1831, the diffusion of cheap and instructive literature, the increased intelligence among workmen from the universality of the application of steam-power, which required and created intelligence, the prevalence of order and content, and the loyalty exhibited on a recent occasion by the establishment of numerous volunteer artisan corps throughout the country. If at the time of the Reform Bill of 1832 £10 was considered a criterion of sufficient intelligence, surely the occupiers of £6 houses now were equally intelligent with the class of £10 householders then. He could not give the same favourable opinion of the county franchise proposed by this Bill, and he thought that the character of monotony would be much more applicable to it. As it stood it was a lower franchise than that of the boroughs, for, as the value of land was included, any allotment tenant or small dairyman whose house might not be worth more than 1*s.* 6*d.* a week might be admitted. The land which a man occupied for his means of living should no more be taken into account than the stock in trade of a small tradesman, the tools of a skilled artisan, or the looms of a handloom weaver. In this respect the Scotch Bill was much better, for it contained a proviso that the dwelling-house should be of £5 value; and unless it was the intention of Government to swamp the 40*s.* freeholders by the admission of a numerous body of the most dependent class, he would strongly urge upon them the adoption of a similar proviso in this Bill. As a Scotch Member, he could not but condemn that portion of the Bill which related to Scotland, as unfair and unjust. Scotland had always shown herself able and willing to bear her fair share of the public burdens, and she had a claim to be treated exactly on the same footing as England in regard to the distribution of seats. The noble Lord had repeatedly declared that in apportioning Members he was obliged to be guided by population. If he had taken population alone, or population and property combined, and if he had treated Scotland exactly on the same footing as England, he could not have run his eye along the list of counties and boroughs, and have passed by the great counties of Lanark, Ayr, Aberdeen, Perth, and Fife, and the great towns of Dundee and Aberdeen. Every English county, except one or two, had at present four Members; every Irish county had two; and every Welsh county, having a population over 70,000, had two. Not a single Scotch county had more than one. It was proposed to give an additional Member to certain English counties. The five Scotch counties he had named were as populous and rich as five of those in the schedule, each of which was now to have five Members while these important Scotch counties continued to have but one. Lanarkshire was three times as populous and five times as wealthy as West Cornwall, to which it was proposed to give another Member. And the disparity with regard to boroughs was even greater. Dundee, with 90,000 people, and Aberdeen, with 80,000, were together to have no more voice in Parliament than the borough of Cockermouth. A great deal had been said in the discussion of this question on the example afforded to us by American institutions. He certainly had no desire to see them imported here. They were better fitted for the wants of a vast new country, where our cumbrous and slow modes of procedure would be a clog upon its progress. But had there been, since the world began, any similar instance of progress? There was no Established Church there; but there was a Christian church to every 3,600 inhabitants. Within seventy years a scattered population of less than 4,000,000 had grown up to

Mr. Caird

nearly 30,000,000 of people. Within the last thirty years the value of her native produce exported had increased five-fold, her steam tonnage ten-fold, her coinage twenty-fold, and within the same time she constructed upwards of 20,000 miles of railway. Instead of being wasteful of the public money, as had been alleged, her total expenditure of every kind, both federal and local, in 1858, was only £23,500,000; and in that was included upwards of £3,000,000 for public education, besides the whole charge for lighting her sea coasts. Her public debt had been reduced from £25,500,000 in 1816 to £6,200,000 in 1856. The manners of the people were rough and uncouth —or appeared so to Englishmen—but the great body of them were comfortable and independent, and every one had his political rights. It had been charged against them that they had no enlightened legislation; but any one who would run down the list of the Acts passed in the Session of 1858 would see at once that their legislation was very far from being deficient in prudence and foresight. There might be impending dangers in our European alliances, and it would be well if, instead of endeavouring to raise a feeling which might separate the two countries, we would remember that there was an Anglo-Saxon nation on the other side of the ocean, and do all in our power to bind England and the United States together. We had plenty of hopeless mismanagement and extravagance at home. This was no question of a form of government; but, having some experience of the United States and having witnessed the wonderful progress that had been achieved there, he would not accept the lesson which noble Lords and hon. Gentlemen had attempted to draw from that nation as an argument against the British people being intrusted with any share in the government of their own country. Hon. Gentlemen opposite seemed to be afraid of numbers. If the country was in danger would it not be to numbers that they would look for defence? Would there be any selection of £10 householders then? We trusted the lowest class of the people to defend the Empire and guard its honour, and, whether in the Crimea or in India, nobly had that duty been performed. Should we then fear to extend to the best of that working class a limited share in the election of a Member of Parliament? And, if a struggle were really impending over Europe, was it not more necessary to enlist every sympathy of our own people by bringing within the pale of the Constitution many of the vigorous hands who might yet be called to aid in its defence?

Mr. BAILLIE COCHRANE said, it used to be the annual custom to call the attention of the House to the state of the nation, but on this occasion he thought the attention of the nation ought to be called to the state of the House. People outside that House ought to understand what the real sentiments of those inside were, not from the manner in which they voted, and from what they said in the House, but from the real sentiments which they expressed of the Bill in the lobbies. He would undertake to say, that if every Member would vote according to the opinion he really held with regard to the measure, the result of a division would show an immense majority against the Government. It was a Bill upon which every epithet of contumely and ridicule had been thrown. To use the language of Mr. Shiel, it conceded without conciliating and interfered without prevailing. It satisfied no person outside and no Member inside the House. It was one which Members were discussing early and late, simply because leading statesmen on both sides had made ill-considered pledges, which they sought to redeem in a most ill-considered manner. There was one point, however, upon which they would all agree, and that was that it was only an instalment, but not a settlement of the Reform question. He (Mr. Cochrane) fully agreed with the sentiments expressed by the right hon. Member for Hertfordshire, whose brilliant speech would live in the memory of man as long as the English language existed. He fully believed that if a deed could be drawn up, the terms of which should be an agreement that this Bill was a settlement of the question of Reform for twenty years only, and if that deed were signed by the hon. Member for Birmingham (Mr. Bright), by the noble Lord (Lord John Russell), and by the leaders of the Opposition, that, bad as he considered the Bill to be, it would be desirable to pass it. But when they were told that it was but an instalment—that it was to be followed up by another immediately after it had passed—then he thought it an act of perfect insanity to allow a Bill so fraught with evil to be carried. It reminded him of one of Æsop's fables. A woodman went into a wood and asked the wood to give him a handle for a hatchet. To so modest a request as that the whole forest unanimously

consented. The handle was fitted, but no sooner fitted than the woodman began to cut down the finest and tallest of the trees, and, as he approached an old and aged oak the oak bent over to a noble cedar and said —"One concession has ruined us all." Such was the position in which the House then stood if they conceded this Bill, not to Her Majesty's Government, but to the hon. Member for Birmingham (Mr. Bright). For his own part he readily admitted that if they were to have a Reform Bill at all they must carry the franchise down to as low a rental as £6. But he would boldly state, as he had done on the hustings, that he was altogether opposed to a Reform Bill. The present system worked well. It might not be the most perfect constitution, but it worked well. There was no popular desire to change it; but if they were to change it they could not do otherwise than drop at once from the £10 to £6. Indeed, he did not see why they should stop at £6, or even £5, or £4, nor why they should not at once have universal suffrage. He saw no advantage in treating it homœopathically. There was no doubt of the result of such a Bill as this—it was as certain as anything could be that it would lead indubitably to universal suffrage. He thought everybody ought to look with great pity upon the Treasury Bench; there was no mincing the matter—the whole thing was in a fix. It reminded him of that scene in *The Critic* where everybody had got a dagger, and Puff says to Sneer—"Now there's a situation—there's a dead lock, and I don't know who'll get out of it first." Such was the situation of the Treasury Bench at this moment, and it was difficult to know who would get out of it first. But the fact was, that the Government had misapprehended the people's anxiety for Reform, and when they made the pledge they had uttered to bring in a Reform Bill they had not anticipated the Treaty and the Budget, which had been forced upon them by the hon. Member for Birmingham and the hon. Member for Rochdale; and he thought, therefore, they might very fairly withdraw this Bill, until at any rate they were acquainted with the result of the Committee appointed by the Lords to inquire into the state of the franchise. With respect to the working classes, he desired it should be most distinctly understood that he had no dread of them, for he knew they were deeply sensible of having been born under the blessings of a free constitution, of the advantages they possessed over other countries in Europe, and, strong in that conviction, he certainly entertained no sense of danger from such a quarter; but he did fear the influence of those who controlled the movements of the working classes. They had ascertained the enormous influence exercised over those classes by those who controlled their political opinions. They knew the political opinions of one hon. Gentleman in that House, the weight they carried in the country, and how far they influenced the working classes. He thought the views of the hon. Member for Birmingham had been latterly very much overlooked in that House. [*Laughter.*] He meant the views expressed by that hon. Gentleman outside, not inside, that House had been overlooked. Inside and outside that House the hon. Member for Birmingham assumed totally different characters. It was said that March came in like a lion and went out like a lamb; but the hon. Member reversed the proverb—he came in like a lamb and went out like a lion. It was difficult to say, indeed, whether he was a wolf in sheep's clothing inside the House or a sheep in wolf's clothing outside the House; or whether they rejoiced when they heard him speak in the voice of Jacob or that of Esau. But, for the purpose of showing what the hon. Member's sentiments really were, he would refer to a collected edition of his speeches made at Birmingham, Manchester, London, Edinburgh, Glasgow, Bradford, and Rochdale, and all revised by himself. He made this reference because he thought it right, when they were going to legislate at the suggestion of the hon. Gentleman, that at any rate they should know of what dangers they had to beware; and then, if after that they were foolish enough to pass a Bill which he told them would promote the objects expressed in his speeches, they would have to complain of themselves alone. In 1859 the hon. Gentleman had rather modified his views, for he found a little danger would result from them; like the woodman, he had to begin cutting down his trees carefully and cautiously; and therefore it would be as well to go a little further back, when he was somewhat bolder, in 1858, for then they would get at what his real opinions were. On the 27th October, 1858, the hon. Gentleman, in a speech he made at Birmingham, had said—

"How can I reconcile a free representation of the people in the House of Commons with the inevitable disposition which rests in a hereditary

House of Peers? Now we must decide this question. Choose you this day whom you will serve. If the Peers are to be your masters, as they boast that their ancestors were the conquerors of yours, serve them [Never!] But if you will serve only the laws, the laws of your country, the laws in the making of which you have been consulted, you may go on straight to discuss this great question of Parliamentary Reform."

So that the hon. Member argued that there could be no free representation of the people without the abolition of the House of Peers.

Mr. BRIGHT said, he was ashamed to say anything about this matter, but the hon. Member (Mr. B. Cochrane) had furnished the sentence he quoted with words which he (Mr. Bright) had never uttered. He only asked for fair play.

Mr. BAILLIE COCHRANE said, he had merely stated what he conceived to be the inference fairly to be drawn from the hon. Member's speech. It proceeded thus:—"I am not going to attack the House of Lords." [Mr. Bright.—Read it all.] He was sorry if he had expressed himself in a manner to lead to any misapprehension, but he merely intended to convey to the House his own inference from what he had read. He would, however, make another quotation. Further on in the same speech the hon. Member said—

"There is another kind of Peer, which I am afraid to touch up—that creature of—what shall I say? of monstrous, nay, even of adulterous birth, the spiritual Peer."

[Mr. Bright.—Hear, hear.] There was no mistaking that "Hear, hear!" Then having touched up the House of Peers as a body, they came to the opinions and views of the hon. Member as to the great territorial families of England, thus expressing himself:—

"What has been the fate of those who were enthroned at the Revolution, and whose supremacy has been for so long a period undisputed among us? Mr. Kinglake, the author of an interesting book on Eastern travel, describing the habits of some of the acquaintances he made in the Syrian deserts, says that the jackals of the desert follow their prey in families like the place-hunters of Europe. I will reverse, if you like, the comparison, and say that the great territorial families of England which were enthroned at the Revolution have followed their prey like the jackals of the desert."

The hon. Member for Birmingham went on to state—

"That there is no actuary in existence who can calculate how much of the wealth, of the strength, of the supremacy of the territorial families of England has been derived from an unholy participation in the fruits of the industry of the people, which have been wrested from them by every device of taxation, and squandered in every conceivable crime of which a Government could possibly be guilty. The more you examine this matter the more you will come to the conclusion which I have arrived at, that this foreign policy, this regard for 'the liberties of Europe,' this care at one time for 'Protestant interests,' this excessive love for the 'balance of power,' is neither more nor less than a gigantic system of out-door relief for the aristocracy of Great Britain."

This was the way in which the hon. Gentleman spoke of the aristocracy and the Church of this country, and they were called upon to pass a Reform Bill which the hon. Member described as an instalment towards lowering the franchise, in order to enable him to take ulterior steps to overthrow the Church and aristocracy. The hon. Member for Birmingham had further said he foresaw the day when a Revolution would arise between the upper and the working classes of this country, and that after the Reform Bill was carried—what would he do? Why, he should attack the Established Church and the feudalism of the dark ages.

Mr. BRIGHT: The hon. Member did not say where he got his last quotation from. I have no recollection of saying anything of the kind, and I think he might entertain the House with something better than mere imaginary speeches.

Mr. BAILLIE COCHRANE could only say he had copied it from a report of what purported to be a speech by the hon. Gentleman. If he disavowed it, he only hoped that his intercourse with the bench on that side of the House had moderated the views of the hon. Gentleman. He would not complain so much of these particular sentences, but he would ask whether the entire tone of his speeches was not calculated to excite the feelings of the country against the upper classes? The hon. Gentleman further said in another speech—

"Do you not see the same interests arrayed against you, the same greed of power, the same hate of reform, with our military services grown up into unheard of magnitude;"

And again:—

"If I tell you that peace and peaceful industry are your path of wisdom and of greatness—if I say that it is your taxes that are spent, your sweat which is pawned, your blood which is shed in war, am I less your countryman, or less loyal to my country?"

Was not this language, he would ask, calculated to anticipate the time when one class in this country would be set against another? When the hon. Gentleman dealt with matters abroad he should state the facts of history. The other day he endea-

voured to establish a parallel between the state of this country and of France when a Reform Bill was previously attempted, and led his audience to suppose that it was this country that began the war with France in the first Revolution. Everybody except himself knew that France declared war against us, and that we fought not for any selfish interests, but for the liberties of England and of the whole of Europe:—though no doubt there were then, as now, those who would say, "Perish Savoy and liberty, and everything except commercial advantages." The hon. Gentleman was very fond of referring to the advantages of American institutions. It was strange that, according to a writer in the last number of *The Quarterly*, American families were constantly engaged in tracing back their descent from English families, and that a Mr. Bright, of Boston, had actually published a book to prove that he was descended from the Brights of Suffolk, at the same time repudiating any connection with the family of the hon. Member for Birmingham. It had been said that this was just the time to pass the Bill, because it was not asked for; but he believed the noble Lord wished to pass the measure, although he had been taunted with not wishing to do so; and his dealing with reform had been likened to the periodical process of taking down a suit of clothes, brushing them up, and putting them away. But what was really the remarkable thing about the measure was the apathy and indifference that existed with reference to it. In order to pass a Reform Bill they must have some moving power, what the sailors call some steerage way, some great guiding impulse. Carlyle had well said that "nothing was so fatal to men or measures as apathy or indifference." A gale of wind in any quarter was preferable to a dead calm; and a horse that went either way was better than one that stood still; and a passionate woman better than a silent one that would not speak at all. He believed they could not carry a measure of this sort unless there was an indication of its being wanted out of doors, and that the people took an interest in it. The noble Lord could not have foreseen the error of the hon. Member for Birmingham in describing the Bill as an instalment, or the error of the Chancellor of the Exchequer in stating that the finances of the country would be considered and settled by a House of Commons which more adequately represented the wishes of the people—a most significant statement when coupled with the scheme propounded by the hon. Member for Birmingham for the abolition of Customs' duties, and the institution of a gigantic tax upon property. The proposed Bill was not solely one of reform in Parliament, but one that would ultimately affect the whole financial interests of the country; and if they passed this Reform Bill they would have another of a more overwhelming description when the new Parliament met, and that was the reason he dreaded the present measure. What was the opinion entertained abroad of the constitution of this country? What said Montalembert, one of the most eminent men that France had produced, and whose comparison instituted between England and France rendered him worthy of the honour of an imperial prosecution. Speaking of the Constitution of England, he said:—

> "When I am stifled under the weight of an atmosphere charged with vile and corrupt influences, I start to breathe a purer air and take a bath of life in free England. Not only does the nation not demand any organic change, but no party, new or old, seriously entertains it. Never has the constitution been so universally respected, so faithfully guarded, so affectionately invoked by all who wish—
>
> 'That England long may be,
> The holy and the happy, and the gloriously free.'"

This was the opinion of one who contrasted this state of things in England with that universal suffrage and division of property, which had led to despotism at home and spoliation abroad—measures that the hon. Member for Birmingham wished to introduce. These were the reasons, frankly and freely, why he should give his vote against the Bill; and he believed that if every hon. Member voted according to his honour and conviction, they might vote upon the Bill with the certainty of throwing it out by two to one. After what he had quoted from the speeches of the hon. Member for Birmingham, he thought the House would be able to see what they would have to trust to if this measure were carried, and which, if passed, would be fraught with unknown evils to the constitution of this country.

MR. POLLARD-URQUHART said, this Bill had been before the House several weeks, and the subject before the country several years; but, as an Irish Member, he felt it right to say a few words. It was a most important consideration that five-sixths of the Members of that House were elected by England, so that Ireland was deeply interested in any change

in the constitution of that House which legislated for the whole kingdom. The last Reform Bill had produced a greater effect on the Government of Ireland, and more beneficial measures had been passed for that country than it ever had from the time of Strongbow to the time of George IV. It was a great truism that every advance in popular privileges was a blessing if the people were fit to receive it, and a curse if they were not, and we were now in a tolerably good position to judge of the fitness of the people of England. We did not exist in the comparative darkness of 1831. A change had been effected without alarm, violence, or convulsion; and what was the tone and temper of the nation now? Was not the monarchy in much less danger than at the time when Ministers were afraid to allow even a popular Sovereign like William IV. to go and dine in the City just prior to the proposal of the last Reform Bill? Was not the property of the country in very different condition to what it was at the time of the Swing riots? How differently were the Church and the aristocracy regarded? Go where they would in the former period, either to public meetings or outside a stage-coach, and it was the invariable custom to run down the aristocracy and abuse the Bishops. How different even were the public caricatures. They now saw no exhibitions of Bishops hanging, and calling it justifiable homicide. How different was the meaning attached now to the word "Radical," to then. Then it was thought that a Radical was a low, vulgar, impudent person, who showed both his independence by his ignorance and by his disrespect of others. It was then impossible to be an honest reformer without being abused, and indeed the words Radical and blackguard were at that time synonymous terms. Experience had however now shown that a man might be an honest reformer of abuses, and an honest advocate for the extension of popular rights, without indulging in the low scurrility that was held to characterize the Radical of a former day. Reform measures were then and now proposed in a different temper, and it was felt that no great country like England could go on without having from time to time to lop off old abuses. It was said that even supposing that a popular Parliament should be able to manage public affairs effectively in time of peace, they would be unable to do so in time of war; but the answer to that allegation was, that the disasters in the Crimea were speedily corrected under the direction of a reformed Parliament, while it took fourteen years to correct the mismanagement of the army until the Peninsular war, when the Government was in the hands of an oligarchy. It was notorious that a greater portion of the expenses was paid during the late war out of the current expenditure than during the great French war; and was there not reason to suppose that a fresh infusion of the popular element would now produce corresponding benefits? The objections to the Bill had been mainly directed against the extension of the franchise to £6 occupiers in towns; but the objections could not be sustained, when it appeared, from the evidence before the Masters and Operatives' Committee, that the operatives had wonderfully improved during the last ten years in self-respect, intelligence, economy, and conduct; therefore he thought it was but right that these classes should be admitted within the pale of the constitution. Some persons regarded with fear any great extension of the intelligence of the working men, because it would enable them to combine against other classes; but social science was now better understood by both upper and lower classes, and the result was that neither class had any sort of antagonistic feeling against the other. It was apparent to the working classes that they had no interest in attacking capital and property, and that such attacks were likely in the long run to have a disastrous reaction upon themselves. He had heard a great deal of the preponderance that was likely to be given by this Bill to the working classes in certain constituencies, and believed the case was exaggerated; but supposing that their preponderating power in certain constituencies should lead to the return of sixty or eighty Members under the influence of the working classes, would that be too large a representation for them in an Assembly composed of 658 Members. Nothing was so likely to show both what could be done and what could not be done for the working people, as the presence of a few of their representatives in the House. This would do a great deal to put down agitation and humbugs of all sorts, and when the demands of the working people were well weighed, they were not so absurd as some persons supposed them to be. In the year 1842 a petition was presented from the working classes by the hon. Member for Finsbury (Mr. T. Duncombe) deploring the existence

of any kind of monopoly — condemning taxes on the necessaries of life, and particularly the articles required by the working classes—also complaing of the monopoly in land, in machinery, in the press, and in railways ; and if all these complaints were now considered, it would be evident that the working classes were not so wrong as they were thought to be at the time in setting forth their alleged grievances. If the legislation of the country had not been in error since 1842, the working classes of that time had some reason to complain, for the whole course of legislation since that time had been to take off the taxes on articles of necessary consumption. It was a wrong assumption that the working classes would always remain in their present position. With equal laws, diffused intelligence, and freedom of transfer of land, they would have such facilities for rising in the world that we might hope to see such a fusion of classes as would render class legislation absurd and impossible. Since the year 1832 the line of demarcation between the manufacturing and commercial classes on the one side, and the landed aristocracy on the other, was not so strongly marked as it was before that time ; and he indulged in a sanguine hope that a similar fusion would take place between the middle and working classes. It was not fair to draw a comparison between the political state of this country and that of Australia or the United States ; for the colonists and the Americans had not yet had time to form a class which would have any great preponderance to counteract, what might in common language be called the "rowdy" element. He frankly owned he would willingly have seen the redistribution of seats go a little farther than it did at present. He believed, however, that practical difficulties existed in that way, which rendered it necessary to make some sort of compromise. He had heard that if there were too large a redistribution of seats made, the brilliant orators, such as existed in the unreformed Parliament, would not be found in it. He dissented from that objection, for their object was to get good legislation, and he recollected that the very brilliant powers of the orators, who figured in the unreformed Parliament, were often employed in making the worse appear the better. Was it not more desirable to have cheapness, plenty, and the "unadorned eloquence" of the honourable Member for Rochdale, than what had been termed by the noble Lord the Member for London "the umbrageous fancy of Mr. Burke," and "the magnifying power of oratory in the mouths of such men as Mr. Fox and Mr. Canning" together with laws the avowed object of which was to produce dearness and scarcity. He firmly believed, that by the results which would flow from this measure, we should be the envy of all the nations of Europe, by the rational liberty which it would give to the people of this country ; and he had great confidence as to these results.

MR. DU CANE said, he did not rise to follow the hon. Member who had just sat down through the speech he had just delivered with so much energy and rapidity. He did not wish to dispute the correctness of his definition of the term "Radical" in 1832, nor had he any desire at that moment to question the moderation of the Chartist sentiments of 1842. He had followed with much attention the debate on this Bill, and had listened to speeches both for and against it on both sides of the House; yet he now rose to address them in a state of considerable mental bewilderment as to who were its supporters. He remembered that it was said, towards the close of the great debate which preceded the downfall of Lord Derby's Administration, that they were about to witness a little wholesome clearance of the political atmosphere, that old differences had been healed, and that from henceforth a perfect unanimity of sentiment would be found pervading the hearts of the great Liberal party. He had not the least doubt that at that particular moment there was a perfect unanimity of sentiment pervading the hearts of the great Liberal party ; but looking at the amount of contradiction which had been manifested, as regarded the purpose of this measure, in the course of this debate on both sides of the House, he was induced to fear that, like other instances of Liberal cohesion, which they had witnessed within the last few years, it had been of a somewhat short-lived character. He had certainly been surprised at the contrariety of some of the opinions which had been expressed on the other side of the House as regarded the merits of this measure. The hon. Member for Birmingham—["Oh, oh"]—he could assure them his reference to the hon. Member for Birmingham would be very short and very harmless. The hon. Member signified his gracious acceptance of the Bill because it was a simple Bill, because it was an instalment, and because it entirely excluded fancy franchises.

On the other hand, the hon. and learned Member for Marylebone (Mr. E. James) condemned the measure for the self-same reason. The hon. Member for Birmingham spoke with something approaching to contempt and indifference of the limited number of those that the Bill would admit to the exercise of the franchise; while the hon. and learned Member for Marylebone was in raptures at the thousands or rather tens of thousands he hoped shortly to embrace as his new constituents. The hon. Member for Edinburgh (Mr. Black) in an honest and unvarnished tale that did infinite credit to his political sagacity, did not hesitate to denounce the Bill as dangerous and revolutionary. But, on the other hand, the hon. and learned Member for Tiverton (Mr. Denman) cordially supported the Bill because when he had succeeded in introducing into it all the provisions of the Bill of last year, he thought upon the whole it would be rather Conservative. But his (Mr. Du Cane's) faith in the hon. and learned Member's Conservatism received a rude shock at the commencement of his speech, when he said that in that masterpiece of eloquence which had been delivered by the right hon. Baronet the Member for Hertfordshire (Sir Edward Bulwer Lytton), he could see no argument, and that the House had nothing to do with the Government of France or the condition of the United States. He must say he questioned the depth and the soundness of that Conservative feeling which, when we were on the eve of a great political change, shut its eyes to the past, and closed its ears to the lessons addressed to us through the page of contemporaneous history. Then the right hon. Gentleman the Home Secretary recommended the Bill because, he said, it would at least do us no harm; but the hon. Member for Salford (Mr. Massey gave it as his opinion, both by his speech and that Motion which so abruptly vanished, that it would do him no good; while the hon. Member for Bristol (Mr. Berkeley) said that he swallowed this Bill as he would an homœopathic globule, convinced that it would do him neither good nor harm. When he saw the state of complete contradiction at which they had arrived, though he did not wish to introduce party topics, he thought they had a right to ask who it was that had brought this question to such a dead lock? He thought they had a right to ask the noble author of this measure what practical benefit the country or the House had obtained from affirming his Resolution of last year; and how it was that some of them, at least, were not now assembled in the first Session of a Reformed Parliament. It was somewhat difficult for any one to discover what novelty of a startling character this Bill contained that might not have been introduced into the Bill of last year in Committee. Let them take the first feature of this Bill. In the Bill of last year they had the materials ready to hand to effect a reduction of the county franchise to £10. As to the second feature, they might have also effected a reduction in the borough franchise. The then Government opposed the Resolution of the noble Lord because it was brought forward at an unfair time, and raised an unfair issue; but they had no evidence that if they had gone into Committee on that measure, and an Amendment had been brought forward to reduce the borough franchise to £8 or to £6, and if that Amendment had been carried, that the Government would not have accepted the proposition. And supposing that they had not, but had declared that the carrying of the Amendment would be fatal to the Bill, even then the House would not have been in any worse position than they were now, inasmuch as they would have obtained from the House a direct expression of opinion as regarded the limits to which it was inclined to extend the borough frachise. To come to the third and last prominent feature of the noble Lord's Bill they surely might, without any superhuman amount of exertion, have extended the redistribution of seats to the somewhat narrow limits at which even now the noble Lord intended to rest it. But they had in the former Bill what they had not now, but what they must have again before they witnessed a satisfactory settlement of this question. They had various franchises, which acted upon the working classes on the principle of self-selection, and which would have extended the franchise to thousands of industrious and intelligent artisans who were entirely passed over by the present Bill. The noble Lord now made a present of his measure to the House, and said, "Go into Committee on the Bill, and then do what you like with it; raise the franchise in boroughs if you think that it is too low; introduce a lodger clause; restore the fancy franchises—in point of fact, do whatever you like with the Bill, only pass a measure of Reform before Bristol is sacked and Nottingham Castle is in flames." But the noble Lord must allow him to say that this sudden gush of gene-

rosity came one year too late, and that, patient and long-suffering as they always were, he was taxing at that moment somewhat severely the generosity and forbearance of the Conservative party. It was certainly rather trying to the temper to have a commodious residence that it had been the labour of months to erect and furnish, blown about your ears, and to survey from the opposite side the broken and disjointed fabric; but Job himself would venture a gentle remonstrance when the crafty engineer who fired the mine took forcible possession of the ground and pressed you into the service of himself and his colleagues to reconstruct and refurnish the building on the original model. He would not say whether it might be possible to reconstruct the edifice of Reform on the somewhat slender foundation which the noble Lord had lain down, but this he did not hesitate to say, that this Bill, as it now stood, was by far the most dangerous and one-sided that had yet been presented to them. The Home Secretary told them the other night that he was quite unable to understand the arguments that they on that side of the House had advanced—that this Bill, to begin with, was insignificant and an abortion, and then that it was dangerous and revolutionary. But with due deference he would tell that right hon. Gentleman that this particular measure was obnoxious to both these charges. The Conservatives said that as regarded any immediate proposition for satisfactory settlement the Bill was both insignificant and abortive, and inasmuch as it would thus unsettle everything and settle nothing, in its future consequences it would be both mischievous and revolutionary. What they said was, if a measure of Reform is to be passed this Session, let it not be a Bill merely framed to be passed, but one that will include every branch of the representative system which it appears to the House to be desirable to Reform. This measure did not even profess to do that. Upon the great subject of registration, upon those of polling booths, and payment of travelling expenses for voters, this Bill was silent as the grave. A hint had, indeed been thrown out, that they were to be treated to a Supplementary Reform Bill, containing provisions on one or two of these heads when a certain Committee on corrupt practices had published their Report. This, if it was an argument for anything, was an excellent one for postponement of the whole question until that Report was published, for all must agree that if any matter was more intimately connected than another with corrupt practices it was the extension of the suffrage. This Bill largely increased the number of voters in the county constituencies; but did it make any provision for remedying the disparity between the number of borough and of the county Members? On the contrary, the noble Lord appeared to have done just enough to show that he acknowledged, whilst he refused to grapple with, the grievance. He appeared to have acted on this plan. Something must be done to stop the mouths of the county Members, and he must, of course, make a special reservation in favour of Lancashire and Yorkshire; and, as to the others, why he would subject them all to the operation of the Ballot, and take the first twelve counties that turned up for increase of Members. On what other principle could the noble Lord have given a Member to a division of the county that he (Mr. Du Cane) represented—of which he did not complain—but how was it that this county, having a population of 189,000 and a constituency of 5,400 should have an extra Member, when the Bill passed over 17 divisions of counties, all of larger population and, he believed, all with a larger number of registered electors? The noble Lord might, perhaps, say, that, inasmuch as he proposed to take away a Member each from Harwich and Maldon, he thought it fair enough to give a Member to the division of the county in which those boroughs were situated. But if the noble Lord had acted on that principle in one county, why had he not carried it out fairly and honestly towards all? Why, for instance, when he took Members away from Tewkesbury and Cirencester, had he omitted to give one to either division of Gloucestershire? But, as he (Mr. Du Cane) had previously observed, this Bill proposed largely to extend the franchise in counties and boroughs. Did it, however, in so doing, recognize any one of those distinctions they had hitherto considered essential to maintain a just and fair balance of our representative system, and for which no one had more stoutly contended than the noble Lord himself, and the majority of that Cabinet now seated around him? On the contrary, the noble Lord by this measure, proposed to sweep away the last remaining distinction which Conservatives considered necessary between the county and the borough franchise, with which the insertion of the Chandos clause had in no way interfered—to wit, that the

one should be based on property, the other on occupation; and he proposed to have the whole representative system on a low and almost assimilated borough occupation franchise. What was the great charge brought against the Government Reform Bill last year? Was it not that it was based on uniformity of suffrage? But the uniformity of suffrage in that Bill was as nothing compared with the dead level to which the franchise would be reduced after the passing of this measure. That was a uniformity mitigated and utilized by the introduction of no less than eight franchises, conferring the privilege on thousands of intelligent, educated, and independent classes of the community; but should this measure be allowed to pass, who from henceforth would be the predominant class in the county representation? The Returns produced were of a very slight character; but he would make every allowance for persons who might be already registered, for female occupiers, non-payment of rates, and the difference between positive and rental and rateable value, and he thought that they would add a constituency to the counties of not less than 250,000. In his own county he found that in the town districts, where they had one occupier at £50 a year they had 10 at £15 a year, and 20 at £10, while in the more rural districts they would scarcely find a single £10 occupier. Moreover, many of the present £50 occupiers in counties might be deducted from the list, because they claimed votes as freeholders; and on the register of his own county the same name might sometimes be seen nine or ten times over. So that the effect of the alteration in the county franchise would be entirely to throw the representation into the hands of the £10 occupiers resident in towns alone. It was one of the charges against the measure of last year that it extended the county franchise to £10 voters, but accompanied the boon with neutralizing provisions in favour of the county; he thought it might be urged against this Bill with equal justice that it extended the county suffrage, clogged with exclusive and one-sided provisions in favour of towns. The £5 building restriction was calculated to disfranchise a great number of small county occupiers, and the condition that a joint occupancy of land and building should qualify for a vote only when held under the same landlord would, in his opinion, operate no less injuriously. The effect of the latter restriction would be that a man who occupied an £8 or £9 house in one parish and held a piece of land of from £20 to £30 value in another parish would be debarred from voting for the county unless the proprietor from whom he held the land would consent to lay out money in the erection of buildings equally useless to landlord and tenant. But who would constitute the predominant class in boroughs? He had no wish to plunge into the mysteries of the Compound Householders Act, or to enter on the difference between gross estimated rental and rateable value; but he did not think he was overstating the case when he assumed that the effect of the Bill would be to add to the borough constituencies some 200,000 voters, occupying houses of from £6 to £10 yearly rental. The existing number of borough voters he estimated at 412,000, exclusive of 40,000 freemen, the great bulk of whom were the occupiers of houses below the value of £10. But from the electoral statistics of Mr. Newmarsh, it appeared that there were already 130,000 occupiers of houses at the lowest level to which the suffrage was then extended. Therefore, if they added to that body the 40,000 freemen and the 200,000 new voters that would be added by the Bill, they would find, by a very simple sum in arithmetic, that the voters who occupied houses of a rental of £10 and under would outnumber those who were above that level by some 100,000 votes. He did not mean to say, as the hon. Member for Stirlingshire (Mr. Caird) appeared by his elaborate statistics that evening to imagine, that it was the fixed idea of the Conservative party, that that body of 370,000 voters were all of the same trade, or that they would be characterized by an identity of political sentiments. A great philosopher had told them that no two human beings ever did think alike on political matters, and the extreme diversity of opinion manifested by hon. Gentlemen opposite in regard to the question of Parliamentary Reform certainly gave confirmation to the theory. But the effect of the Bill would undoubtedly be to confine the operation of the franchise within a far narrower compass, and to produce a far greater uniformity of suffrage than was contemplated by the measure of last year. He would not presume to foretell the possible fate of the Bill, but if they went into Committee upon it he thought the duty of the Conservative party would be obvious and simple. They would have to ask themselves

the question whether there was in the country any one class possessing such independence of thought, such intellectual ability, and such purity of political principles, that they could afford, once and for ever, absolutely and entirely to intrust to its charge the control over our representative system. Admitting that the suffrage in counties and boroughs was to be extended, it would be for them to consider on what basis and within what limits that extension should be carried out. If the House had irrevocably decided in favour of a £10 county franchise, they were entitled, at least, to ask that it should not be established without some provision of a modifying character in regard to the large towns of the country. And here he must beg to comment briefly on a remark which fell from the hon. and learned Member for Marylebone in his last week's speech. The hon. and learned Member for Marylebone (Mr. E. James) retaliated upon a sulky Conservative elector of that constituency, who complained that his vote was neutralized by the preponderance of his opponents, by saying that the same complaint might be made, with an equal show of strength, by any Liberal voter in a Conservative county; and he instanced the county which he (Mr. Du Cane) represented as an example. Why the hon. Member had done him the honour to select his constituency he did not exactly know. Certainly he was happy to say that the county of Essex had been for many years, and he trusted would long continue to be, a stronghold of Conservatism; but he denied that the parallel was a fair one. The real subject of complaint was that the hon. and learned Gentleman was a representative, returned, according to his own admission, of a numerical majority, composed of a single class—that of the working population—while the Conservative majority in a county such as North Essex would be found to combine the representation of nearly every class in the country,—the landed interest, agriculture, commerce, manufactures and labour. And it was because they believed that by the passing of this measure the proper representation of those varied interests would virtually be neutralized, and that in point of fact three-fourths of the constituencies in the country would be reduced to the level of that of Marylebone, that they entered their energetic protest against its passing. But he must also say as regards the hon. and learned Gentleman's speech that there was in it an *hiatus valde de flendus* at which he was somewhat surprised when he remembered a certain document that had issued from his pen in the course of last autumn. He (Mr. E. James) entered into the most elaborate statistics to prove the sweeping charges this Bill would effect in his constituency, and which he proposed to view with extreme delight. The animation of his countenance appeared, however, to be in no way reflected in that of the hon. Member for Birmingham, who evidently thought that his indiscreet companion was letting the cat slip out of the bag. But they did not hear a word from the hon. Member as regards the question of the builders' strike, or how many of these new constituents were to be found among that class so recently distinguished for their powers of combination. He (Mr. Du Cane) must say that he did not think that was a part of the question that had been fairly and manfully grappled with by the supporters of this measure. The noble Lord the Member for the City had disposed summarily of the matter by quoting a couplet from Burns, which, as far as he could understand, only went to prove that the labouring classes were extremely well contented to leave things as they were, and did not desire any change whatever. The hon. and learned Member for Tiverton (Mr. Denman) had told them that if such strikes had occurred thirty years ago they would have been accompanied by scenes of violence and bloodshed. Doubtless the educational progress of the last thirty years had been rapid; but if the hon. and learned Gentleman had studied the page of that contemporaneous history which he appeared to regard with contempt he would find that in a state in which the various interests were not properly balanced, it was not always a high educational *status* that was the best guarantee for liberty of thought and independence of action, and that these other means of coercion and intimidation, besides the open manifestation of the brick-bat and the bludgeon. The hon. Member for Birmingham said that the Conservative party knew nothing of the feeling of the general population of the country, but blindly followed their leader, the right hon. Gentleman the Member for Bucks, who lived in a manor house, and knew nothing about the people; and that he, on the contrary, knew the people, and he said to the Conservative party, "Repose in the people a generous confi-

dence, and be assured the day will come when you will reap your reward. There was only one thing to make that statement quite satisfactory, and that was that the Conservative party should feel confidence in the hon. Member himself. But any feeling of confidence which that side of the House might have felt in the hon. Member for Birmingham diminished exactly in proportion to the rapidity of its increase upon the Treasury benches. Confidence, a most illustrious authority had once observed in this House, was a plant of slow growth, in an aged breast; but this memorable Session of 1860 was, he suspected, destined to witness the practical contradiction of more than one golden maxim both of ancient and living statesmen. What was the language of the hon. Member for Birmingham but a few days since upon that Manchester platform, when, to use the expressive language of his chairman, he drove such a "roaring business?" What was his language then to that people whom he knew so well, and in whom he asked the House to repose such a generous confidence? He openly urged the people to bring and bear upon the question of Reform the vast power of combination which they had displayed in the form of strikes, so as to influence the legislature of the country. Were the hon. Member for Birmingham present, he would ask him, but in no acrimonious spirit, did he think such language was likely to inspire that House with confidence in the people, or was it likely to quicken their zeal in the cause of Parliamentary Reform? He would ask him to consider whether the brave words and open avowals of the Liberation Society tended on Friday last to quicken the zeal of the House in the cause of Church Rate Abolition. Might not the House be apt to ask themselves the simple question, Would the gift of the franchise to such parties diminish the danger of subsequent combinations, or afford any guarantee that this Bill passed, the hon. Gentleman would not soon again be doing "a roaring trade" on the Birmingham platform; telling the people that this Reform Bill was a mere drop in the ocean compared with what they had a right to expect, that this Budget of the Chancellor of the Exchequer did not half lay the saddle on the right horse, that the people should now remember they had a preponderating voice in the representation, that now was the time for appointing their delegates, making their combinations, bringing their power to bear on the House of Commons, and woe to the representatives that dared to oppose the will of the people? Upon this point he would read a short extract from a journal which he believed had the largest circulation of any going exclusively among the working classes, professing to advocate their just claims and obtain a remedy for their grievances. *The Weekly Dispatch*, some few weeks since, had an article on the merits of the present Reform Bill. It commenced thus:—

"W feel some hesitation in 'letting the cat out of the bag.' The Tories are in a state of complacent ignorance on the subject of the significancy of the new Reform Bill—and 'where ignorance is bliss 'tis folly to be wise.' They are disposed to let it pass *sub silentio*, as too small for notice and too futile for opposition. It gives us some compunction to undeceive them and some qualms to provoke their resistance. Liberals appear to be in an almost equal predicament of omniescience. They turn up their noses at it, as Jeames of Belgravia would at cold meat to dinner. Some of them call it too poor for acceptance, and too worthless for rejection." . . . . . "The Bill is, notwithstanding, a tremendous measure—far more comprehensive, infinitely more thorough and organic in its changes, than either its friends or its enemies even remotely conceive. The fact is, they are thoroughly deceived by utterly deceptive Returns, and the most futile and nimious statistics." . . . . . "We repeat the expression of our conviction that the Bill is a political revolution. It is a stride towards democracy that leaves the rest of the way but a step. In one simple clause it hands over the issues of political power to the masses. When it shall become law the working classes will constitute substantially the prevailing element in representation—be the masters of the situation." . . . . . "This does not disclose nearly the whole of the case. Of the present constituency 50 per cent, and that the most wealthy and the most thoughtful never vote. It is never found, however, that working men having a vote ever neglect to poll. Of Ancient Foresters, Odd Fellows, Amalgamated Engineers, and other Trades' Unions and Friendly Societies of working men, it is computed that there are nearly 2,000,000 enrolled throughout the United Kingdom. The builders' strike showed how intimate was the mutual understanding among these combinations. Some of them possess an organization so perfect that in a few hours the Central Council could set in motion every affiliated branch throughout the empire. It is on these classes the franchise is about to be conferred. Who or what can stand before them? They will poll to a man—will they not all poll one way? It is notorious that the middle classes do not possess the cohesion and spirit of union which support the power of the working classes. Henceforward, for weal or woe, the Democratic element reigns in England."

Hon. Members might suppose that this statement was somewhat exaggerated; but, at all events, this was not a branch of the question which they could afford to pass over with contemptuous silence or indifference at a moment when they wer

about to inaugurate a constitutional change which, according to their own showing, was to be the prelude of other changes. He trusted that House would always represent the free and unfettered opinion, controlled by the talent and intelligence, of the country, giving their sanction to great legislative changes only after having calmly ascertained their bearing on the national welfare. In conclusion, it had been well said by M. de Tocqueville, that free institutions were necessary to a State not more to secure the lesser citizens their rights than to warn the greater citizens of their perils. He thought that they whose lot had been cast amid the peaceful scenes of an enlightened civilization, might recognize at the present moment the truth and the value of so ancient and so time-honoured a maxim. They might return thanks for the blessing of free institutions, and especially might they feel grateful for a freedom that allowed the tongue to utter and the press to circulate doctrines that warned them of the pitfalls that lay before them when they were discussing this great constitutional question. He could not reiterate a charge which had been made in the course of this debate against the Conservative phalanx for apathy and indifference in not opposing the second reading of this Bill. The principle of the measure was the extension of the franchise, and it was no part of a Conservative policy to oppose that principle. It was no part of the Conservative policy to imitate the example of another celebrated phalanx of 300 in ancient days, to buckle on their armour and court destruction to man, in a resolute and hopeless resistance to the advancing tide of popular opinion. But if he did not say to the Conservative party, as regards their present position, in the despairing and reproachful language of Byron—

> "Of three hundred give but three,
> To make a new Thermopylæ."

He did venture to say to the House that it was not a question for the Conservative party alone to consider, but for all in that House, whatever their party denomination, who had any regard to the safety and stability of our own representative institutions and the duration of free Parliamentary government. The noble Lord (Lord John Russell) said he had no wish to overturn or undermine the constitution of the country; but, when he quoted Burke as his justification of this most mischievous and one-sided measure, he (Mr. Du Cane) could have wished that the noble Lord had drunk somewhat deeper at that fountain of inspiration. He wished he had reminded himself of another passage, worthy to be recalled of one who, liberal alike in genius and in practice, did not speak merely for the immediate exigencies of the age in which he lived, when he said—

> "I look with reverence on the Constitution of my country, and will never cut it in pieces or place it in the cauldron of any magician in order to boil it with the puddle of his compounds into youth and vigour. On the contrary, I will drive away all such pretenders; I will nurse its venerable age, and with lenient arts extend a parent's breath."

Mr. CLAY, as an elector of Marylebone—not the particular, sulky elector to whom allusion had been made, but one well satisfied with the noble Lord, and the learned Gentleman who represented him—must correct the error into which the hon. Member who had just sat down (Mr. Du Cane) had fallen, in stating that elections in Marylebone were decided by majorities of the working classes. He (Mr. Clay) should not think the worse of the constituency if it were so; but the fact was, that the majority in that borough was one of retail tradesmen — a class generally as Conservative in their opinions and interests as hon. Members opposite could desire. The hon. Gentleman, in looking at this Bill, professed himself unable to see how hon. Members, who supported it, could have voted against Lord Derby's Reform Bill; and his (Mr. Clay's) hon. Friend the Member for Dorsetshire had twitted the opponents of his Bill with having found in it only a means of turning out a Government, and to this motive he attributed their votes against the second reading. The attacks of his (Mr. Clay's) hon. Friend were always so free from bitterness as to excite no annoyance; but all he said both deserved and received so much attention, that he (Mr. Clay) was anxious to correct this erroneous impression. He could say for himself—and with equal confidence for the Gentlemen who sat on the same benches with him—that his vote against the second reading of Lord Derby's Reform Bill was influenced by no such feeling as that attributed to it by his hon. Friend, but had one motive—and one motive alone—namely, that this Bill contained no provision for lowering the property qualification in boroughs. And this, they were told, was the principle of the Bill, and his right hon. Friend the Member for Hertfordshire called it a middle-class Reform Bill. Why he (Mr. Clay) thought that the middle classes

had had their Reform Bill in 1832, and he fancied that the turn of the working men was come. Their improvement was acknowledged on all sides of the House. Crime had decreased, intelligence had increased, disaffection was dead. These were the virtues of a class, and to a class the reward ought to have been given, and not by a few exceptional or, as they were called, fancy franchises. If Lord Derby's Bill had provided for any extension, however narrow, of the borough franchise, he would have voted for the second reading, and would have trusted to a Committee to make that extension more liberal. Yet there no doubt were some hon. Members who now seemed afraid of that very extension for which last year they were the advocates, and the Member for Edinburgh for this reason assured the House that with regret he differed from his friends. Why, the hon. Gentleman differed from himself as well—and, in his speech of the other night, quite forgot to say how he reconciled that speech with his vote for the Resolution which defeated Lord Derby's Bill—a Resolution which declared that any Reform Bill to be satisfactory must contain a general extension of the franchise in boroughs. But now the hon. Member was afraid of the classes which this extension would admit—of the working classes. Why? Because they were ignorant of political economy, as shown in their strike of last year. If ignorance of political economy was to be the ground of exclusion from the franchise, they need not go back far to find the very highest interests in the country as ignorant—aye, and more so—as the working men in their strike, as to which it might be remembered that they were not wholly in the wrong. The noble Lord the Member for London might, on these terms, lose some of his very richest constituents, in the members of that great bill discounting firm, who, the other day, locked up in their drawer a million and a-half in bank notes, in utter disregard of all sound politico-economical principle, and in an insane attempt to coerce the Bank of England in the conduct of their business as bankers. But the hon. Member objected to the working classes as likely to be bribed, and he spoke of bribery as if it were the vice of the lowest classes of our society. Surely it was fair to remember that it was at least equally the vice of our very highest classes, for before a man can take a bribe some one must be found to give it. The hon. Member would do better to join earnestly in the endeavour so to legislate as to make bribery impossible to the rich, rather than to distrust those whose poverty sometimes yields to temptation. The hon. Gentleman said there was no bribery in Scotland. Was this because the working classes there were more honest, or because the richer classes were more wise—too wise to part with their money in so foolish a way? If they all came from "as far North" as the hon. Member, there might be less bribery in this country. His (Mr. Clay's) hon. Friend, the Member for Norfolk, (Mr. Bentinck) claimed for the rural districts an intelligence superior to that of the inhabitants of towns, and quoted Adam Smith in support of his opinion. He (Mr. Clay) had no wish to depreciate the rural intellect, and still less desire to speak with disrespect of Adam Smith; but he objected to Adam Smith as any authority whatever in making this comparison, as he wrote before that immense development of mechanical industry which had so wonderfully acted on the intelligence of the inhabitants of towns. His hon. Friend was not satisfied with the disgracefully slow progress which the Bill was making, but advised that no progress should be made at all — until the House was prepared to acknowledge the claim of the counties to 130 additional Members, a claim which he founded on their population and property. Why, in this calculation, the hon. Member took credit for the counties for all the population and property of the large unrepresented towns—some of which would have Members under the present Bill, and all of which, if the Radicals—for he (Mr. Clay) was not ashamed of the name, in spite of the dirt thrown on it—had their way, would have Members at the expense of the small, or rotten boroughs. He (Mr. Clay) would not quarrel with this Bill, which would add, as he was told, some 1,500 electors to the constituency which he had the honour to represent. On this account, if for no other, he was grateful for it, and supported it as far as it went—though, to his thinking, it did not go very far, and left untouched some subjects with which a Reform Bill ought to deal. But he was mose disposed to lay the blame of its shortcomings on the apathy of the country, than on the niggardliness of the Government. The hon. Member for Halifax had endeavoured to explain this apathy, and had cited high authority in support of his opinion, while

his hon. Friend the Member for Norfolk said that agitations produced political discontent. The reverse was the case—distress naturally produced political agitation among a class who still believed that legislation could find a cure for their sufferings. To him (Mr. Clay) the cause of this indifference on the part of the unenfranchised classes to the acquirement of political rights was of easy explanation. In this country political agitation had always been co-existent with periods of general depression of trade, or periods of famine. The operation of the great commercial changes of late years had at least been this—to spread a more equal surface over the interests of trade, and to make in the highest degree improbable those times of famine prices from which the country in former years had suffered. Indeed, they were scarcely too sanguine if they expected that the calamities, in this respect, which they had seen they never would see again. To this, in the main, he (Mr. Clay) attributed the notorious indifference of the country to Parliamentary Ruform. In part also to this, that the honest and earnest Reformers—and there were honest and earnest Reformers—relied implicity on the promises made by the leaders of all parties that there should be an amended representation of the people in the House of Commons, and were content to wait in partience for the loyal fulfilment of this promise. Whatever the cause, this indifference was not denied, and when he (Mr. Clay) remembered how little was asked for, he confessed himself surprised at how much it was proposed to give, for it was not in human nature that those in possession of power should consent to share it with others short of compulsion; by which, of course, he did not mean violence, but that strong and general expression of a nation's will, which, for years past in this country had been taken—which for all years to come he hoped would be taken—by sagacious statesmen as sufficient indication that the time for concession had arrived. He might be told that this Bill itself was the refutation of his theory, as by it much was given when little was asked. But he was forced to remember that this Bill was only the loyal fulfilment of a promise, made some ten years back, when there was clamour—when there was agitation—such as no prudent statesman could afford to disregard. He must not be supposed to infer from this that it would be safe—much less that it would be honest—that the leaders of parties in this House should now forget their promises, and that its members should forget the declarations which so many of them had made on the hustings. For, if there was a way—and there was this one way—to wake the agitation which had long slept, it would be to give to honest Reformers the idea that statesmen were disposed to play false by their pledges, and that the House of Commons was anxious to find a decent pretext for shelving an unpalatable subject. An amended representation of the people in the House of Commons there must be. What should be its nature? His right hon. Friend the Member for Hertfordshire, not only objected to this Bill, but he objected to any Reform Bill at the present time. It was, he said, the wrong time. Jeremy Bentham had disposed of the argument—fallacy he called it—of the wrong time, by saying that when anything is wrong, the only right time to amend it is the very first time at which its remedy can be found. But his (Mr. Clay's) right hon. Friend gave two reasons why this was the wrong time. First, the menacing aspect of foreign relations. Well, if his right hon. Friend could tell him when the black cloud, big with turbulence and war, would pass away, leaving an unclouded sky, and a bright sun to shine on their efforts of Reform, he might consent to wait a little while; but if, as was most probable, his right honourable Friend could make no certain prophecy of fine weather—he (Mr. Clay), on the ground of safety, declined to put off indefinitely the settlement of this long-vexed question. But his right hon. Friend gave another reason. This House of Commons, he said, had sanctioned a system of finance so imprudent, as to have placed the country in fearful financial danger. It was their duty not to abandon their posts until they could leave to their successors a legacy of greater financial ease, and he likened them to defeated and desperate speculators about to commit suicide rather than face the difficulties which their own recklessness had brought about. He (Mr. Clay) did not admit the reckless character of the finance which the House had sanctioned, but if his right hon. Friend was right—if they had misconducted themselves—it was surely an odd argument that on that account it was their duty to continue their mischievous labours unreformed—and this plea was one which might be urged with equal justice by Mr. Pullinger, why he should be allowed to remain cashier of the Union Bank until he

had set right the defalcations from which his company had suffered. But his right hon. Friend objected especially to this Bill, and had embodied his objections in a speech so able and so eloquent, that its best praise was, that it equalled—if it did not surpass—any previous effort with which he had delighted the House. Yet, so fair and candid was his speech—so philosophical was the tone of his mind—that he (Mr. Clay) did not think it would be difficult for the Radicals to come to terms with him in Committee, for they would readily admit to the franchise any test of intelligence which his ingenuity could devise, and the more they admitted the better they would be liked. This Bill could only be looked on as a measure for the extension of the suffrage. Its disenfranchising clauses seemed like the cheap knives—made to sell, and not to cut. They were framed to pass. He (Mr. Clay) would look only at that which chiefly concerned him—the extension of the right of voting in boroughs. He had no fear that this proposal would swamp the intelligence of the country by its uneducated numbers, but he would confess to seeing an awkwardness—an incompleteness—in this—that all the extension was more or less to one class. He admitted the defect, but it appeared to him of easy remedy. The lodger franchise would do much to vary the present admission of new voters, and would give a larger class of voters of intelligence and property above the common run. But beyond this, he had always been in favour of a mixed franchise founded partly on intelligence, partly on property. Let them introduce in Committee such tests of intelligence as they could hit on. He must not be told that these exceptional franchises would be useless, with a £6 property qualification, as, under this, all would be admitted; for, if so, what became of the argument that the admission proposed was all of one class? This idea of tests of superior intelligence had, it seemed, been discussed in the Cabinet, and thrown aside. Let his right hon. Friend, the Member for Buckinghamshire, pick it up—it was in some sort his property. Such aid as he (Mr. Clay) could give, in this sense, was most cordially at the service of his right hon. Friend; and, if he would lend the authority of his name and position to Amendments such as these, everything might be done in Committee which the hon. Member for Salford could have hoped from his proposition—rather novel than constitutional—of a Committee upstairs; and a Bill might be passed such as they all would like to see, more or less the work of all parties in the House—for, if there was a subject which, more than any other, ought to be removed in its discussion from party strife, it was the amended representation of the people in the House of Commons. If his right hon. Friend would give favourable consideration to this suggestion—given in all sincerity, and with great deference—his right hon. Friend might be assured that he would add much to the popularity of the great party which he led, and—better still—would deserve well of the House and the country.

MR. A. MILLS said, that one advantage had at all events resulted from the prolongation of this discussion, namely, that the charges of a "Fabian policy" levelled at the Opposition, by the right hon. Gentleman (Sir G. Lewis) had been practically refuted. The statistics of the present debate were that before its commencement that night, 43 speeches had been made, of which 18 had been made on the Conservative and 25 on the Ministerial side of the House; of these speeches 29 were against the Bill, 12 neutral, and 2 in its favour. The Opposition had been accused of having conspired together to destroy the Bill. But was that borne out by facts? Instead of adopting the tactics which the party now in power had adopted last year to defeat the measure of the Government of Lord Derby, they had abstained from concocting any ingeniously contrived Amendment which would have that effect; but proposed—laying aside party politics—to take the miserable materials which the Government had presented to them, and to try to make something of them, if they could, in Committee. They were all convinced that the time was come when the game of politics, commenced in 1852, by the indiscreet declaration of the noble Lord, and since kept up by agitators out of doors and by public men in that House, ought to be played out, and brought to a conclusion. He had heard it said that they on his side of the House were afraid to admit the working classes to the elective franchise. Now, he asserted that not a single word had been uttered from his side of the House that could favour any such idea. He had certainly heard speeches from the Ministerial side of the House which contained arguments by no means complimentary to the competence of the working classes to exercise the franchise.

The Conservatives, on the other hand, were convinced that the time had come when classes which had hitherto been excluded should be included in the representation. As to the course that ought to be adopted, if he thought that there was the slightest possibility, out of the meagre materials which the Bill presented, to frame anything approaching a constitutional measure, he for one would be prepared to make an effort in that direction in Committee; but if the Bill came out of Committee in the shape it stood at present, he should decidedly give it his negative upon the third reading. The right hon. Baronet the Member for Hertford then alluded to an article upon the subject of this Bill that appeared a short time ago in a public journal which generally found some favour with the Members on the Ministerial side of the House. He alluded to *The Economist* newspaper. The writer said that this Bill established the competence of all men alike to wield an equal amount of political power, and pronounced that an educated man compared with a mechanic had no inherent superior qualification to legislate or to govern; it declared that though to plough a field or make a machine were matters of skill and science, to discern a fit legislator and a good ruler required no knowledge of politics or statesmanship. The Bill of 1860 was simply a deteriorated edition of the Bill of 1832, which was pretended to have conferred a sort of monopoly in this department of legislation on the noble Lord; but he (Mr. Mills) denied that the Bill of 1832 gave the Liberal party a patent right to deal with the question of Reform; on the contrary, he thought it proved that its framers were for ever disqualified from dealing with the question. The Bill of 1832 was justified by its authors and advocates by the excitement which then existed on the question throughout the kingdom—the measure of 1860 was justified by the general tranquillity and indifference that prevailed amongst the people upon the subject of reform; so that the noble Lord endeavoured to draw a pretext for his Bills from circumstances of the most contradictory character. As to the charge made against the political party with which he generally acted, that they were afraid of giving power into the hands of the working classes, he utterly repudiated any such feeling. A large portion of his own constituency was composed of the working classes, and he felt proud of representing such an independent and intelligent body of men. But what right had they to expect that by enlarging the area of the constituencies of the kingdom they should be raising the quality as well as the number of the electors? A large proportion of the present ten pound occupiers, though they might be very staunch adherents to their party colours, had in fact no political opinions at all. What ground was there for supposing that the class below them would be more enlightened? Frequent allusions had been made to the hon. Member for Birmingham throughout these discussions. For his (Mr. Mills's) part he thought that they had heard too much of the hon. Gentleman. He wished not to speak in any spirit of harshness or unkindness of the hon. Member. At the same time he thought that they had been rather too much afraid of him. He believed that the hon. Gentleman would be more formidable if he endeavoured to be more accurate in his statements. If the arguments attributed to the hon. Gentleman were correct, he thought that there would be considerable difficulty in verifying his statistics. The subject was now well nigh exhausted, nevertheless he thought it a fortunate circumstance that it had been so fully and freely discussed; because if they had attempted to pass the second reading without a full discussion, or had met the Motion at the outset by a direct negative, a false impression as to the views and reasons of the Members of the Opposition would have been conveyed to the country. He contended that they had adopted the best, the safest, and most constitutional course in allowing the Bill to go forward in the House. He was, however, by no means sanguine as to its progress in Committee, or that anything like a sound constitutional measure could be made of it. He would only remark in conclusion that instead of seeking to deprive the working classes of any voice in the election of their representatives, the aristocracy of this country, whose conduct had been severely canvassed in connection with this question, had been most assiduous in their efforts to educate and to raise those classes to a position to qualify them for the exercise of the franchise. The educational statistics of the country proved that fact beyond the possibility of a doubt. They were, however, opposed to a measure the object of which was the indiscriminate admission of a mass of persons wholly unprepared for the proper exercise of this boon, and who would effectually swamp all the other elements of our popular representation. He

should resist to the utmost any such attempt, whether it were made by the Liberal or any other party inside or outside the walls of that House.

Mr. JOHN LOCKE said, he was anxious to say a few words, because he believed that with the exception of a speech from his hon. and learned friend the Member for Marylebone no Metropolitan Member had addressed the House in this debate. He believed that one of the reasons why the Metropolitan Members had been so much adverted to in the course of the discussion was, that many of them were returned by the aid of the working classes. They had been denounced as a class of men who could not be properly trusted as legislators, and there had been a comparison made throughout the debate between the Metropolitan Members, who were the representatives of the working classes, and the Members who represented small constituencies. He presumed that had been done to show that the object of this Bill was a bad object, and that the very worst thing the Bill could do was to make all the Members like the Metropolitan Members. Now for his own part he only wished that more of the Members of the House were like the Metropolitan Members. If they could have a sufficiently large net, and could include within it any eighteen Members that it fell upon in any part of the House, he thought the Metropolitan Members would not at all suffer by the comparison. It was charged upon them that they did not possess every description of talent which was required in a legislator; but they would find among them men high in position, and who in their intellect would well bear comparison with any Members of that House. They boasted that they had among them the noble Lord the Member for the City of London; they boasted that they had among them Generals and Admirals, and men who had received the favour of their Sovereign. They had among them an hon. Baronet who, when everybody else despaired of our success in the Crimea, showed how our troops might be relieved, and constructed a railway by which the object was accomplished; and he was made a Baronet for having done so. He might mention the names of eminent men who had represented Metropolitan constituencies. He might speak of Mr. Tierney and Sir Robert Wilson, and Mr. Brougham, the brother of Lord Brougham, and a long list of distinguished men who had sat for Southwark. But they were told that small boroughs sent the best Members. Why, the Members for small boroughs might be counted by hundreds, while the Metropolitan Members only numbered eighteen. Some of these small boroughs were in the hands of patrons, and it was said the patrons selected Members who would be of the greatest service to the country. He looked upon the patron of a borough in the same light as he looked upon the patron of a living, who selected a person for the living not because he was a good divine, but because he was a relation or a friend. It would be a great shame if among the representatives of these small boroughs, which returned so large a part of the House, there were not found men who distinguished themselves. But it ill became the representatives of such boroughs to cast aspersions upon the Metropolitan Members, merely because they were returned by a class who he hoped would soon return a large majority of the House. It had been said that the Bill received little or no support from hon. Gentlemen on the Ministerial side of the House; but exactly the same thing might have been alleged against the Bill of the late Government. With the exception of the hon. and learned Member for Cambridge (Mr. Macaulay), there was not one of the independent supporters of Lord Derby's Government who spoke that did not express more or less disapproval of the Reform Bill brought in by the right hon. Gentleman the Member for Bucks. It seemed to be a sort of law that whatever kind of Reform Bill might be brought in it must be opposed —indeed it was not human nature to suppose it could be otherwise—but what the House had to look to were the main features of the measure that was submitted to them; and it was precisely because the main feature of the Derby Bill—namely, the non-extension of the franchise in boroughs, was disapproved of, that the Bill was thrown out. That they were discussing the present Bill at all was owing to the policy of hon. Gentlemen opposite. When the Reform Bill of the late Government was first introduced two main objections to it were pointed out —the disfranchisement of freeholders and the non-extension of the suffrage in cities and boroughs. Against these two defects the Resolution of the noble Lord the present Foreign Secretary was directed. He (Mr. Locke) thought at the time that the ingenuity of the right hon. Member for Buckinghamshire would have found a way out of the difficulty by accepting the Resolution.

The right hon. Gentleman having given up the disfranchisement of the freeholders, was urged to adopt the Resolution; but he did not choose to do so. He dissolved Parliament, and the opinion of the country was, in fact, taken on the question of extending the franchise. Immediately before the dissolution, in reply to the hon. and learned Member for Sheffield, the noble Lord, if he (Mr. Locke) remembered right, stated that he should recommend a £6 franchise in boroughs. This was what the country looked forward to, and the present Bill was brought in embodying that principle. The feeling of the country, he contended, was not that of apathy to the measure; but the people were satisfied that the compact made with them before Parliament was dissolved had been kept. The Conservative party knew what the extent of the impending reform was to be; and he was astonished that the same objections were still made to the extension of the suffrage, after the speech of the right hon. Member for Buckinghamshire, when Parliament reassembled. In that speech the right hon. Gentleman alluded to the extension of the suffrage to the working classes; the expressions made use of by the right hon. Gentleman were:—

"The question of the borough franchise, however, must be dealt with, and it must be dealt with, too, with reference to the introduction of the working classes. We admit that that has been the opinion of Parliament, and that it has been the opinion of the country, as shown by the hon. Gentlemen who have been returned to this House."—[3 *Hansard*, cliv. 139.]

Considering the circumstances under which that speech was made—that Parliament had been dissolved on the Reform question, and that the noble Lord who moved the Amendment had expressed his intention of extending the borough suffrage to £6 householders, and that this was well understood throughout the country as the suffrage which was to be adopted, there could, he thought, be no question whatever that the observations of the right hon. Gentleman applied to the borough suffrage, and that the right hon. Gentleman, if restored to power, would have used his influence as a Minister of the Crown to secure its adoption.

"We cannot be blind to that result," he went on to say—"we do not wish to be blind to it. We have no prejudice against the proposition. All that we want is to assure ourselves that any measure that we bring forward is one required by the public necessities and will be sanctioned by public approbation and support; and, therefore, we are perfectly prepared to deal with that question of the borough franchise and the introduction of the working classes by lowering the franchise in boroughs, and by acting in that direction with sincerity; because, as I ventured to observe in the debate upon our measure, if you intend to admit the working classes to the franchise by lowering the suffrage in boroughs, you must not keep the promise to the ear and break it to the hope. The lowering of the suffrage must be done in a manner which satisfactorily and completely effects your object, and is, at the same time, consistent with maintaining the institutions of the country."—[*Ibid.*]

It would be seen, therefore, that the opinion expressed by the right hon. Gentleman on that occasion was undoubtedly in favour of the £6 borough franchise. But what was the objection taken now? Why, that it would swamp the constituency. Now, perhaps, hon. Gentlemen opposite might object to his (Mr. Locke's) constituency, and say it could not be worse. ["Hear, hear!"] He did not suppose they meant anything personal to himself—["Hear, hear!"]—then it must be that they objected to his constituents because they consisted of the working classes. Well, the £6 franchise would make little or no change in the character of his constituency, for he did not suppose it would add more than 3,000 voters to the number already on the roll. It had been said that in the large metropolitan boroughs, such as Marylebone, Tower Hamlets, and Finsbury, there were no elections, for not a quarter or a half of the voters cared to vote at all. But that was not the case in the borough of Southwark. There an election was a matter of real interest, and the voters came to the poll. At the last election there were 10,606 electors on the register, and the number polled was 7,152, which left 3,454. From that remainder must be deducted the number of persons who had left their residence, those who were dead, those who kept post-offices or were employed in the Customs, those who were down in the register two or three times, and others. Ten per cent of the registered number, or 1,060, must be deducted on this account from the 3,454, and that would leave only 2,394 who did not vote. In such a population as Southwark, it was probable that many persons would be away from home, and considering all these circumstances he thought this was a polling quite equal to that of any other large town or borough in the country. Therefore it must not be said that the working classes of the Metropolis, or of Southwark at all events, were not alive to the importance of exercising the suffrage when it was given to them. This disposed of one of the strongest objections which had been raised to the ex-

tension of the suffrage to large masses of the population in boroughs. In the City of London also, a very large proportion of the electors had always been polled. Now, he (Mr. Locke) did not mean to say that he entirely approved of this Bill; he merely gave his unqualified assent to a £6 franchise. His constituents desired that there should be a lodger franchise, and he agreed with them. Many of the working men who lived in lodgings were of a very superior and intelligent class—men who did not choose to burthen themselves with a house, because of its liabilities and inconveniences, but who were perhaps earning their £5, or £6, or even £8 a week, as engineers, or in different trades requiring great ingenuity and talent. What could be the danger of entrusting the franchise to such men as these? They were told of the spirit of combination which actuated the working classes. Why, people of every class would combine together for their own interest. No class had combined together more determinedly than the landed proprietors of this country, and having a majority in that House, in 1815 they imposed the corn laws, and maintained them until 1846. Great discussion had taken place with respect to the returns. For his own part he thought it mattered little whether the present constituencies were increased by 250,000 or 400,000; but should it prove that a very large addition were made, it would be necessary to have additional polling places, and that had not been provided for under this Bill. He was anxious that the Bill should go into Committee as soon as possible. They were all agreed on an extension of the suffrage; and in Committee Gentlemen opposite might propose any fancy franchises they pleased. Did they wish to do so? Had they any very strong wish for any Reform Bill at all? ["No, no."] Then why had they themselves brought in a Reform Bill? They had nothing to fear from a £6 franchise; for the working classes understood public questions as well as they did in that House.

MR. MACAULAY moved the Adjournment of the debate.

VISCOUNT PALMERSTON said, he did not object to the Adjournment of the debate, but expressed a hope that the hon. and gallant Member for Southwark and other Members who had Motions or Orders of the Day on the paper for to-morrow would give way so as to allow the adjourned debate to be resumed.

COLONEL DICKSON observed, that some important Irish Bills stood for to-morrow, for the consideration of which another opportunity would not easily be found.

MR. VINCENT SCULLY said, that sixteen English Members had spoken that night. This Reform Bill was becoming the great "social evil" of the day. Every hon. Member instead of addressing himself to the Question, addressed himself to the hon. Member for Birmingham. This question of the English Reform Bill concerned Irish Members as much as their own; for when it was settled, all the rest would follow as a matter of course. It was complained that out of sixteen Metropolitan Members only two had been heard; he should be happy to hear the other fourteen—and he hoped when the Irish Reform Bill came before the House, the Irish Members would be listened to with the same patience with which they had listened to the measure now before the House. He quite agreed in the reproach which was cast upon Irish Members, that they did not take a sufficient part in questions affecting the whole nation. If they were too modest to speak upon this question—although he had himself no intention to take any part in the debate—he would overcome his modesty so far as to detain the House for a short time in order to express his opinions upon the Bill.

MR. HENNESSY said, he had an important Bill regarding the improvement of land in Ireland on the paper for to-morrow, and he could not give way.

SIR JAMES ELPHINSTONE stated, that the hon. and gallant Member for Southwark (Sir Charles Napier), assured him before leaving the House a short time back that it was his intention to proceed with his Motion to-morrow. He trusted that that would be the case, for he believed the manning of the navy was a much more important matter to the country than any Reform Bill that could be laid on the table.

Debate *further* adjourned till *To-morrow.*

CUSTOMS BILL.—CONSIDERATION.

Order for Consideration read.

SIR HUGH CAIRNS moved the following clause:—

"And whereas contracts may have been made on or before the 10th day of February, 1860, for the delivery free of duty after that day of goods or commodities the duties of customs on which are hereby lowered or repealed: Be it therefore enacted, that any person who shall or may, on or

before the 10th day of February, 1860, have made or entered into any such contract or agreement as the purchaser or consignee of such goods or commodities, may and is hereby authorized and empowered to deduct from the sum payable by him under such contract or agreement the amount of the duties which, if this Act had not passed, would have been payable in respect of such goods or commodities."

MR. LAING objected to the introduction of this clause.

MR. WHITESIDE supported it.

THE SOLICITOR GENERAL opposed the clause on account of the principle involved in it.

SIR HUGH CAIRNS replied, and said that although the Solicitor General opposed the clause on account of the principle involved in it, it was one that the House had agreed to five or six times over.

Clause *agreed to.*

Bill to be read 3° *To-morrow.*

House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, May 1, 1860.

MINUTES.] *Sat First in Parliament.*— The Earl of Tankerville (Baron Ossulston), after the Death of his Father.

THE NAVAL RESERVE.

LORD LYNDHURST rose to call the Attention of the House to the State of the Naval Reserve; and to ask Her Majesty's Ministers for an Account of its present Condition and probable future Progress; and said: My Lords, I am anxious to call your attention to a subject that appears to me to be one of great importance —the actual state of our navy, and more particularly that branch of it which is distinguished by the title of the Royal Naval Reserve. I cannot pretend, my Lords, to enter into many details connected with this subject; and if any noble Lord, more acquainted with the details of the naval profession than I can pretend to be, had undertaken this task, I certainly should have remained silent; but, finding that no Member of this House appeared to be disposed to bring this subject before your Lordships, I have felt it my duty, at no little inconvenience to myself, to present it to your notice. I shall endeavour, in what I have to state, to confine myself to a simple narration of facts, for the purpose of placing before you as clearly as I can the actual state and the future prospects of the navy, and for the purpose of conveying information to the nation which I think ought to be possessed by every man in this empire. It must not be supposed that I am about to state anything that can be at all prejudicial to the public service. Almost everything that I am about to state may be collected from public documents; and I believe I may say generally that Foreign Governments, rivals to this country, are more minutely acquainted with the condition of our army and navy than the great mass of our own people who are not within the immediate circle of official knowledge. My Lords, upon the strength of our navy the character, the influence, and, I think I may say, the existence of this country depend. When I say the strength of our navy, I mean thereby the comparative state of the English Navy as contrasted with that of Foreign Powers—for that is the essential consideration. I was informed the other day that a very able man, an Engineer, and a member of the Fortification Commission, being asked, "What defence do you consider the best for our country?" answered shortly and emphatically, "A powerful navy—a powerful fleet." My Lords, I am old enough to remember the whole history of the Revolutionary War, and of the war which succeeded it with the Empire of France. Step by step, and victory after victory, notwithstanding all its efforts —and every one must recall the gallantry displayed by the French Navy—that navy was by the great victory of the Nile, the victory of Lord Duncan, that of Lord St. Vincent, and the great and splendid victory of Trafalgar, reduced at the termination of the war to such a state that for twenty years after that period we remained, as far as our navy was concerned, in a state of perfect tranquillity. My Lords, that state of things has always been galling to the French, and they have at different times expressed themselves in terms of great feeling upon the subject. When Admiral Lalande lay with his fleet in the Bay of Salamis, expecting orders to follow our squadron to the coast of Syria, being continually disappointed and receiving no such orders, he, in a moment of irritation at the manner in which he was treated, expressed himself in the strongest terms upon the subject. I mention this circumstance as an illustration of the feeling entertained by the members of the French

Navy with regard to the state to which they were reduced by the triumphant victories of the British. After expressing his indignation at the conduct of the French Government in not giving him the orders which he anticipated, the French Admiral of whom I have been speaking said, among other things, "England inflicted upon us a series of cruel defeats and humiliations, which caused, and ever will cause, every French sailor's heart to beat in presence of the English." Such, my Lords, was the result of the efforts made during the great French war. Very little change took place until after the memorable event which I now beg to call to your attention—I mean the accession to supreme power of the present Emperor of the French. In the year 1848 he was elected President of the Republic; and in the following year that celebrated Commission was appointed for the purpose of considering the reorganization of the navy of France. That Commission was composed of fifteen or more of the most able men selected from the navy and from the civil service of France, and they have framed a code of regulations of the most complete kind for the purpose of stimulating and directing the efforts of the French Navy. I have stated one remarkable date with respect to the issuing of that Commission. There is another date equally remarkable. No Report was called for from that Commission until after the celebrated event of the 2nd of December. About twelve or fourteen days after that *coup d'état*—namely, on the 15th of December—a report was called for by Louis Napoleon, and from that time the most strenuous exertions have been made to carry all the recommendations of that Commission into effect. I mention these facts in order that your Lordships may see how far you can reconcile the dates and facts which I have stated with a certain conversation which is supposed to have taken place between a Frenchman and an Englishman, and which was published to the world some time back. My Lords, need I say that that Commission was in terms directed against this country? If you look to the evidence of the persons who were examined before that Commission, and to the remarks of the Members, you will see that England was at that period almost the sole object which Louis Napoleon had in view. M. Collas, who was the Secretary to the Commission, says:—

"The first thing to establish is the number of ships France ought to and could put to sea the day war is declared; for this basis is certain, the enemy is known; there can be no question but of England."

That gentleman does not stand alone in the evidence which he gave before the Commission. Some of your Lordships, perhaps, may have read the opinions appended to the Report. The President of the Commission, M. Daru, discussed the manner in which a French fleet, with a proper military force on board, might make a successful attack upon the shores of this country. Admiral Dupetit Thouars, a well-known name, goes in much greater detail over the same ground, stating how easily a landing might be effected, and showing to demonstration the view with which that Commission was appointed and the object to which its result was directed. My Lords, the result of that Commission and of the admirable system which was formed under it has turned out to be a formidable navy—a formidable navy of steam-vessels, to which alone I confine my observations. What were the Government of this country and the Admiralty doing in the meantime? For a considerable period they were absolutely supine. No notice was taken of what was being done on the other side of the Channel, until at length, alarmed at the progress which had been made by the French Government in reorganizing their navy, they began to exert themselves, and by a most extraordinary effort and expenditure of money they have at length succeeded in forming a fleet, I believe at this moment about equal, but not more than equal to that of France. As I understand the matter—and I have it from the Reports upon the table—at the beginning of last year our fleet consisted of twenty-nine sail of the line, and the French fleet of precisely the same number. Although we were at that time equal in ships of the line, the French were far superior to us in what they consider of infinite importance—the number of frigates. While we had only twenty six frigates, they had thirty-four. What addition has been made to our fleet since the commencement of last year I am not informed. We shall perhaps hear it from the noble Duke (the Duke of Somerset) this evening; but I do not imagine that at this moment our fleet exceeds—or if it does, only in a small degree—the steam naval force of France. And now, my Lords, allow me to make an observation founded upon this supposed equality. If

your steam navy is nominally only equal to that of France, it is in reality much inferior to it. I speak the opinion of every naval man with whom I have communicated; I speak the opinions of the members of the French Commission. They all say, "the English have so many points to defend, that with an equal navy they can never bring the force to compete with us that we can bring against them." And I have heard it stated by more than one naval authority that in order to place ourselves on a footing with the navy of France we ought to have nearly double the number of ships which they can bring into action. But it is sometimes said that our seamen are so much better that they give us the superiority. My Lords, let us not delude ourselves in that manner. The change in the mode of navigation has very greatly altered the whole system; and, although I agree with Sir Howard Douglas, that seamanship is of considerable importance, still it is very different at this moment from what it was at former periods. I have stated the comparative force, and also the amount of the material, of the French and English navies. Let me call your attention for a few moments to what is still more important, their *personnel*—the mode of manning their navy. By the *inscription maritime*, which is part of the French system, every seaman in the merchant service, of whatever rank, common seaman, master and mate, must be entered upon the register and pass through the navy; and an authority, whose name I dare say is familiar to the noble Duke opposite, M. de Fleurian, states that at the time he wrote there was not a sailor in the French marine that had not passed through the navy. Independently of this *inscription*, there is another measure of great importance adopted, called the *levée permanente*, under which a very large class of men have to pass seven years in the navy. What is the result of this state of things? The result has been stated over and over again; and forms a very important part of any comparison. It is, that the moment a French ship is built they have a trained crew ready to put on board; whereas we have to wait months after a ship is in commission before we can send her to sea. Again, if any great or sudden emergency calls for the fitting out of a fleet, France has trained seamen ready to put on board their vessels, which they can do with the utmost expedition. And how are her seamen trained? They are regularly educated in seamanship, in gunnery, in everything that is necessary for the purposes of warfare. One of the regulations proposed by the Commission and adopted by the French Government requires that 10 ships shall always form a squadron of evolution, and shall, at all convenient and proper times, go to sea with a view to exercise the seamen. It was, I learn, stated the other day in the other House of Parliament that 40,000 French seamen are regularly employed in the fishing trade off the North American coast, near Newfoundland, and that the French Government, in order to encourage that trade as a nursery for seamen, pay a bounty amounting to more than the value of the fish that is caught. That is a course not consistent with the principles of free trade, but perfectly consistent with the principles laid down by Adam Smith in his admirable work. Now, my Lords, let me turn to the other side of the account. Everything, as the French say, depends upon the *personnel*—that is, on the manning; and I am disposed to agree in that remark. What is the force that we require? A Channel fleet equal to that of France, with the means of replacing it in case of disasters. We also require a Mediterranean fleet and a fleet of observation for the protection of our distant possessions. What force have we got, how are your ships manned, and what materials do you have for manning such a navy? And here my Lords, let me remind you that in the event of reverses you are not in the same situation as France would be in on the defeat of her fleet: for independently of any landing on your shores, if France were to obtain the mastery of the Channel and to blockade your ports, what becomes of the country? what becomes of your revenue? what becomes of your trade? what becomes of your means of feeding your people? The whole kingdom would be thrown into a state of permanent confusion. These are grave considerations which should convince you that you ought not to be content with an equal force. Nothing short of what is necessary for your absolute security ought to satisfy you on a subject of this kind, so vital to your interests, and even to your existence. My Lords, what are our means of manning the fleet? I will not speak upon my own authority; I will quote to you testimony which cannot be controverted. I will adduce the authority of Lords of the Admiralty, of First Lords, and even that of the noble Duke

himself. What is the language of Sir Charles Wood, late First Lord of the Admiralty, speaking on this matter in the other House not long ago? He says:—

"I have no doubt that if time be allowed, in the course of two years we should have not the slightest difficulty in adding to our navy as many men as might be required, but it is when the emergency arises that the difficulty is felt. What we want is, not that that number of men should be put on board at the end of two years, but in two months, or in two weeks. Russia and France can do that,"

Here, my Lords, is another authority—for this is not a recent state of things; but one that has continued for the last ten or fifteen years. Admiral Berkeley, lately first naval Lord of the Admiralty, says:—

"We have a Reserve force of thirty sail of the line, ready for commissioning, and fit to proceed to sea in a few days."

That is cheering—encouraging in the highest degree. But what does the same gallant Admiral add? "But where are the men to man them without having recourse to impressment?" Recourse to impressment! Every man throughout the country admits the impossibility of our again having recourse to impressment. My Lords, when it was proposed to send an expedition to the coast of Syria, the Mediterranean fleet was upon a peace establishment; and not only so, but it was far short of its complement of men in consequence of sickness and other casualties. And it become necessary therefore repeatedly to apply to this country to send out an additional supply of seamen. Hear what the gallant Admiral to whom I have referred says on that subject—and it would be impossible to give a better or stronger authority:—

"The first reinforcement of the seamen, or rather persons so called, did not arrive till the month of January (six months after the warning was given!) and it amounted to 600 men only. Thus we were left for a period of six months expecting continually, with ships, the complements of which were reduced below their peace establishments, to come into collision with the French fleet, the ships composing which were fully manned and no means spared to render them in every respect efficient. Add to which it since appears that the French were fully aware of our weakness, and were only waiting for orders from their Government to enable them to take advantage of it."

Such was the state of things at the period to which I have alluded. It has existed, as your Lordships will perceive, for a very considerable length of time, and no adequate means have been taken to remedy the evil. But, my Lords, I can bring the case down almost to the present day—to the time when our fleet was sent to the Baltic to attack the fleet of Russia. See what was the state of our navy at that time. Admiral Berkeley wrote to the commander of that fleet in the Baltic to this effect:—

"Have any of your ships tried for men in a Norwegian port? It is said that you might have any number of good seamen from that country."

We were so reduced that when we sent out only one single fleet we were so incapable of manning it that the commander of that fleet, not having a sufficient number of English seamen, was desired to search on the different coasts of the country in the neighbourhood of which he lay to see if he could not supply his deficiency by foreign seamen. Is it possible to present a more unfavourable picture of the position in which we stand? Again, my Lords, Admiral Berkeley, in writing to that commander that he was about to send out two vessels, the *James Watt* and the *Prince Regent*, states that they would soon join him; but he afterwards adds that "men are wanting, and it is impossible to say how long it will be before they are completed." On the subject of the navy he writes thus:—

"Notwithstanding the number of landsmen entered, we are come nearly to a dead standstill as to seamen, and after the *James Watt* and *Prince Regent* reach you I do not know when we shall be able to send you a further re-inforcement for want of men. Something must be done, and done speedily, or there will be a breakdown in our present ricketty system."

My Lords, I have brought these observations down almost to the present day, and I am afraid at this moment we are not in a better state than that which is described by the authorities to which I have referred. What, then, is to be done? There is one point arising out of the new system of naval warfare to which I wish to call your attention. A blow can be struck in a moment. It does not take time to prepare it. In the course of the evidence given before the Commission to which I have referred it is stated—and many naval men concur in the correctness of the opinion—that the striking of the first blow in the event of a naval war will be almost decisive of the result. This, then, is a true and unexaggerated picture of our condition. My Lords, it is our duty not to deceive ourselves—it is our duty to

take care that the country is not deceived; it is our duty to meet the difficulty in a manner corresponding with the emergency. What, then, is to be done? Two years since the Government appointed a Commission of Inquiry as to what course should be adopted for the manning of the navy. At the head of that Commission was my noble and gallant Friend who sits before me (the Earl of Hardwicke). No selection could have been more proper, from the gallantry, naval skill, as well as from the civil experience of the noble Earl. That Commission met in July, 1858, and made its Report in the February following—that is, about a year ago. What did they recommend? An addition of 4,000 sailors to the Home Reserve. I believe I may state, although I shall be happy to be contradicted on that point, that not one of these men has yet been raised. I am glad to read the smile on the countenance of the noble Duke (the Duke of Somerset), which leads me to suppose he means to correct my statement to this extent, that out of 4,000 perhaps 1,000 men may have been raised. We shall, however, have a correct statement by-and-by from that noble person. They further recommended 5,000 Marines to be added to the present force—I believe not a single Marine has yet been raised after the lapse of a year. They also recommended 2,000 to be added to the Coastguard. Now, my Lords, I call your attention to this point, for great confusion has been allowed to prevail upon the subject of the Coastguard. There are two descriptions of force comprised under the designation of the Coastguard. There is a revenue Coastguard, and a Coastguard on board eleven ships scattered along our coast. Of the eleven ships I give the noble Duke joy. They never go to sea. The ships are occasionally driven by steam from one port to another, as convenience may dictate; but there is no mode of effectually training to seamanship the men who form that part of the Reserve. The other department is divided into two bodies—the fleet men and the shore men. It is most material to attend to this distinction. The fleet men amount to 3,200, and they are most admirable seamen. You cannot find a better body of seamen in any quarter of the globe. But there are 1,400 shore men, who are of no use whatever to the navy. So that when you talk of an increase of 6,000 Coastguardmen—for that is stated, I understand, as the amount of this Reserve—while that force embraces 3,200 admirable seamen the balance consists of these Coastguard Volunteers whom I have before described. I have it on the authority of many men connected with the service, and Admiral Martin, in his pamphlet, states it in most distinct terms, that the only real Coastguard consists of 3,200 men. Well, my Lords, this is a lamentable catalogue. But let me go on to the main point. The main point for your consideration, and to which I am about to call your attention is the great Naval Reserve—the Royal Naval Volunteers. It was stated by the Commission that it was absolutely necessary immediately to raise such a body of men for the purpose of supplying all the defects that might arise in our navy, and for the purpose of being prepared to meet any contingency. I was very anxious to see the subject taken up by some noble Lord of authority in naval affairs; but as the duty has fallen to me, who am only a civilian, I am desirous in calling your attention to the subject to support myself by sufficient authorities. I will quote, therefore, the Report of the Commission. The Report says:—

> "The force we require must be composed of trained seamen, and, as the necessity for such a reserve is urgent, it must in the first instance be recruited from adults."

That is the language of the Commission. What is the language of Admiral Berkeley on this subject?

> "No person can consider the ease with which a powerful squadron might be manned and rendered available for hostile purposes,—the great increase in the number and power of their steam-vessels, together with the menacing aspect at times of our foreign relations—without coming to the conclusion that the present state of our Naval affairs demands the most serious and prompt consideration of Her Majesty's Government, and that it is a matter of paramount necessity—a necessity which, to my mind, neither brooks delay nor admits of compromise—to adopt such measures as shall, in the event of a sudden outbreak of hostilities, place a reserve force at the disposal of this Department sufficient to man effectually, and at a few days' notice, at least twelve or fourteen sail of the line."

Such, my Lords, is the language of the Report of the Commission moved for by my noble and gallant Friend near me. The noble Lord has been a Lord of the Admiralty, and is possessed of great experience and knowledge in naval matters. This Report was made in the month of February of last year. The subject was of an urgent nature, one which demanded in dealing with it the most prompt and in-

cessant activity. What then has been done? The fact, I believe is, my Lords, that no attempt was made to raise a single man until the 1st of January last, in accordance with recommendations of the Commission. And what, let me ask, is the number which is now stated by Lord Clarence Paget to have been obtained for this most important Reserve of 30,000 which ought to have been immediately raised? Why, 800 men constitute the whole of the force, whose services have been secured in the space of three months; so that at that rate it would take about ten years to raise the whole 30,000; and, in the meantime, one-third of the number raised would, owing to sickness, or some other cause, be found to be missing. Under these circumstances I think I may safely say that the Admiralty have not succeeded in carrying out the scheme which was recommended by the Commission as one which it was absolutely necessary to carry into effect for the security of the country, and which is also viewed in that light by every naval man who has directed his attention to the subject. The fact is, my Lords, the scheme is an absolute failure, and is so regarded, I believe, by the members of the naval profession almost without exception. To what causes, then, let me ask, is this failure to be attributed? As to the circumstances to which it is owing, there may be some doubt, although of the fact itself there can be none entertained. There is, however, one circumstance which it appears to me may have in some degree conduced to this result. Sailors are, as a general rule, very simple-minded men and do not like entering into complicated terms of engagement. Now, I hold in my hand the regulations issued by the Admiralty by which the seamen who enrol themselves in this service are asked to abide. They consist of 159 clauses. Now, my Lords, there is not an attorney in the United Kingdom who could make himself master of these 159 clauses in one fortnight. How then can it be expected that a common sailor, who is, generally speaking, wonderfully jealous of the Board of Admiralty by which he has been so often imposed upon, will enter blindfold into engagements, the nature of which he cannot comprehend. Why, my Lords, I, who was a member of the legal profession, and who formerly knew something of the practice of the Courts, should be obliged if, in the vigour of my life, I were reduced to such a position as to render it necessary for me to join the naval Reserve, under such conditions as these, to call to my assistance, Mr. Bellenden Kerr or Mr. Coulson, or some other eminent conveyancer, in order to make myself acquainted with the various provisions of this absurd document. In these regulations there is to be found, in my opinion, one obvious cause of the failure of the scheme to which I am referring, and it was an act of gross absurdity to issue such regulations. I should certainly be very shy of entering the Reserve Force under them were I a sailor. Towards the latter part of last autumn I was much among naval men, and they all told me the same story, that the Naval Reserve had turned out a miserable failure. I am, in saying so, giving expression to the views of many persons competent to form a judgment on the subject. A sum of £5 or £6 is given to those seamen who enter the Naval Reserve, and you suppose then that you have bought their services. You cannot buy them at the price. You will not find men to join the force for that amount. If the number of 30,000 sailors were, in accordance with the Report of the Commission, raised, you would at the present rate of payment expend on that body only £180,000 a year, while the total amount of your Naval Estimates reaches the sum of £12,000,000 sterling. But you ought to bear in mind that all your machinery is of no use, and might as well be thrown to the bottom of the sea, unless you have a number of seamen sufficient to man your fleet. In framing these regulations, then, the Admiralty acts, in my opinion, somewhat after the fashion of a workman who, in making a clock, constructs the machinery admirably, using the very best materials for the purpose, but who, when he comes to make the mainspring, through some false notion of economy, uses imperfect materials, and renders the whole work, as a consequence, comparatively valuless. I may, however, be asked what course I should propose to be taken with the view of remedying the existing state of things. My answer to such a question as that is, "I have pointed out a great evil demanding immediate removal. It is not for me but for Her Majesty's Government to provide the remedy." I may, however, say, that I had a letter sent to me by a gallant Admiral, Admiral Bowles, suggesting a conscription of some sort, with the view of forming a maritime militia. This is a suggestion which I leave for the consideration of the Government. The con-

clusion on the subject to which I have been addressing myself at which I have arrived is, I may add, that in point of material—that is to say, in ships—you are far below the requirements of the country, while so far as the manning of the fleet is concerned you are in a situation the most deplorable. I do not mince the matter. Our position in this respect ought to be known throughout the country. No man ought to be ignorant of the real facts of the case. I do not seek to ascribe the existence of those shortcomings, to which I have alluded, to inefficiency on the part of the Board of Admiralty, though I cannot say that I look upon that Board as a well-constituted body. A civilian who probably never knew anything of naval affairs, who never, perhaps, even owned a yacht, is placed at its head. There are also four naval Lords, to each of whom different departments of the service are intrusted, the proper administration of the details of which is quite sufficient to occupy the entire of his time; so that there is an absence of that superintending control which is requisite to direct the machinery. Such a system as exists at present cannot lead to anything but failure. The state of things, indeed, is not quite so bad as that which prevailed in former times, when a Dutch fleet sailed up the Medway and burned our ships at Chatham, and when not a single Lord of the Admiralty was at his post, the only official connected with it who was to be found on the occasion being the Secretary, who ran to and fro shaking his hands, and sending his silver in one direction and his gold-bags in another, to place them beyond the reach of spoliation in case of the landing of the Dutch. There has been, I admit, a change in the conduct of affairs at the Admiralty since that period, but not such a change as the requirements of the country imperatively demand. I ask your Lordships if I trespass upon your time in dealing with this important subject to a greater extent than is convenient? I assure you the inconvenience is ten thousand times greater, in all probability, to me in my own person than is that which you may experience. I shall then, with your permission, again briefly refer to the evidence of Admiral Berkeley, who states that from the moment he went to the Board of Admiralty he strenuously advocated the necessity of an available reserve to a large extent. I may here, perhaps, remind the House of that to which it is, perhaps, not requisite to allude—that the construction of the Board of Admiralty is not only such as I have pointed out, but that its members do not continue to be the same for more than a few years, inasmuch as, owing to the frequent changes of Government, one set of officials, as a matter of course, are obliged to give place to another equally uninformed as to the details of the service and equally inexperienced as their predecessors. Admiral Berkeley adds:—

"The constant change of Boards—above all, the frequent change of the individual at the head of the Board—renders it almost a hopeless task; it requires perseverance in one system in detail, as well as a whole. No scheme can prosper that is so constantly altered, and, above all, any scheme on the subject of manning the navy, as well as establishing a Reserve, must be steadily persevered in, and the one end kept constantly in view."

Again he says:—

"From the first moment at which I entered the Board of Admiralty to this time, I have strenuously advocated the necessity of forming a Naval Reserve to a large amount; but from the frequent changes which take place in the Board of Admiralty, and in the individuals at the head of the Board, it is almost a hopeless task, and it requires the utmost perseverance in a new system of details as well as in the whole subject. No scheme can prosper which is so constantly altering, and, above all, any scheme for manning the navy, and establishing a Reserve, must be studiously persevered in, and kept constantly present and in view."

These are the opinions of the gallant Admiral to whom I have referred. There is another opinion with which I will take the liberty of troubling your Lordships—it is that of a former friend of mine, a most gallant Officer, of high character, loved by all who knew him, and standing high in public estimation. It is the opinion of Sir George Cockburn. He says:—

"Having filled the station of confidential or principal sea Lord of the Admiralty for more than seventeen years, I feel that my opinion regarding the constitution of the Board may sooner or later be deemed worthy of consideration and attention; I therefore am induced to place in writing the decisions to which my experience has brought me on this point. I have, then, no hesitation in stating that I consider the present establishment of that Board to be the most unsatisfactory and least efficient for its purpose that could have been devised."

He then recommends "that the Admiralty Board should be abolished, and a totally new governing body established." My Lords, I have only one more observation to make. I find that at this moment, and with this state of things existing, there is a party actively employed in the north of England in liberalizing and improving, according to their sense of the term, the fiscal system of the country, with the declared

object—not unsupported, I am afraid, by pretty high authority—of putting an end to all taxes on articles of consumption, and placing the taxation almost entirely on realized property, and on realized property according to a graduated scale. This is done with the avowed object of introducing here the social equality, or, according to the expression used by a high authority, that species of social equality, that exists in France, and which is cherished in that country, regardless of civil liberty. Another object they have in view is to pull down the wealthier and aristocratic classes, who, they say, are the favourites and patrons of the army and navy, and to reduce those national establishments to a lower *status*. So that, while the navy of France increases from year to year, while its continuance in its present strength is provided for till 1871, the navy of England is to be reduced—and for what purpose and under what pretence? In the expectation that the nation will continue to possess the friendship of the Emperor of the French; in the expectation that, by the further exchange of cotton and pottery for wine and silks, a warm friendship may be established between this country and France. These are the views entertained by men who are aspiring to the Government of this country — men who, if they could, would place themselves at the head of the whole power of England. They would reduce us to the state of humiliation I have described, instead of maintaining our establishments as they now exist, and holding high the honour and reputation of England. And finally, my Lords, under these circumstances, I see that a noble Lord in the other House—with an indefatigable spirit that does not find sufficient employment in disentangling the complicated phrases of M. Thouvenel, and opposing the logic of his facts, instead of watching the course of events in Europe which require all his attention and all his powers of mind—as it were in a spirit of mischief, and living only in troubled waters, has at this time thought it right to bring forward a measure that opposes one class of the community against another; he would entirely remodel our constitution when all men should come forward in its support: and this he has done at a time when, in the opinion of all who have reflected on the circumstances, every class ought to unite in support of the honour and independence of the nation. The noble and learned Lord conculuded by putting the Question of which he had given notice as to the state of the Naval Reserve, its present condition, and probable future progress.

The Duke of SOMERSET: My Lords, I am not sorry the noble and learned Lord has brought this important subject under the notice of the House; but I trust the speech of my noble and learned Friend will not induce your Lordships to imagine that since I have filled the office of First Lord, I have been unmindful of the necessity of maintaining our navy in full force. Undoubtedly, the condition of the navy is far more important to the country than the existence of any Board of Admiralty or any Government; but I must say when I heard the speech of the noble and learned Lord I expected that he was about to come to the conclusion that I had unnecessarily reduced the Navy Estimates and cut down the expenditure; because in a great part of his speech he assumed that the Admiralty had reduced our naval establishments, and the number of our ships and men. I do not consider this in any way a party question, and I may say, shortly, that the desire of the present Board of Admiralty, as of preceding Boards, is, and has been, to maintain the navy in the most efficient condition. On my accession to office in the present Board of Admiralty, I directed my attention to the Estimates; and I thought, looking at the programme of work left to be done by the late Government that the money to be voted was not quite sufficient for the result to be accomplished. I therefore added £100,000 to the Estimates on account of ships to be built. I did so in an earnest desire to complete within the year the programme laid down by the late Board of Admiralty. And I can say that during the last eight months more men have been employed in our dockyards than at any previous period of the history of the country. I do not exclude the time of the great war, down to 1815; and in this statement I exclude the factories altogether, which form another great division of our naval establishments. I speak of the shipbuilding department only. Undoubtedly, in the present year this exertion has been somewhat diminished; there was much inconvenience in continuing to carry on work at so great a pressure. Therefore, as far as the works undertaken by the late Government are concerned, they are still going on, but at the same time I thought it convenient and advantageous that for this year

works should be differently arranged. We are now, I may say, forward in ships of the line, and the noble and learned Lord is right in saying that what we require, therefore, is to bring on a smaller class of vessels. Not that I purpose altogether to put a stop to the operations on ships of the line, but it has been agreed that they shall be left in frame in such a way that they may season and improve, at the same time that they can be finished off rapidly if an emergency should arise; and by this means the chief energies of the dockyards can be applied to the smaller vessels. The noble and learned Lord referred to the ships we have now afloat. I find that we have built, and that there are afloat, 50 ships of the line.

LORD LYNDHURST: Do you include block-ships?

THE DUKE OF SOMERSET: I am not taking the block-ships into account.

LORD LYNDHURST: Or sailing ships?

THE DUKE OF SOMERSET: I do not count them.

LORD LYNDHURST: Are those vessels all completed?

THE DUKE OF SOMERSET: They are all afloat. I do not mean that they are all in the first class of steam reserve; and nothing could be more unwise than to complete their equipment, because the moment you put in the machinery and set up the masts and rigging you stop the ventilation, and the wear and tear begins from that moment, and the expense mounts up at an enormous rate:—but those that are afloat are in different states of efficiency and forwardness. Had I known that the noble and learned Lord intended to call attention to the state of the vessels in the different classes of reserve, I would have prepared myself with a statement of their position. We have, as I have said, 50 ships of the line afloat, 37 frigates, 17 corvettes, 88 sloops, many of which are very powerful vessels, 26 smaller vessels, 24 gun-vessels, and between 150 and 160 gunboats. That is our steam force at present afloat.

LORD LYNDHURST: Have you an account of the French navy?

THE DUKE OF SOMERSET: I have an approximate account, but I will not vouch for the accuracy of the figures. They have 33 ships of the line afloat, and they are building six or eight—in all about 40; of frigates, they have 38 afloat and 12 building, making 50 in all—they surpass us in frigates; of corvettes, sloops, and all the other classes of vessels they have 104, which would not at all equal the number of our smaller vessels. The noble and learned Lord referred to a former period, and to the evidence of Admiral Berkeley as to our having 30 sail of the line for the defence of the country, which could be got ready in any emergency to go to sea. We have now 21 or 22 sail of the line at sea all properly manned—that is, more fully and efficiently manned than at any previous time, as we made an addition some months since to their complement. Some time ago I looked to ascertain what would be the complement of a fleet thus fully manned in the Channel or Mediterranean, and I found it would represent upwards of 21,000 men. As regards either the force afloat or the manning of the fleet, I therefore do not believe that the objections can be sustained. The noble and learned Lord said that on a certain occasion our fleet in the Mediterranean was insufficiently manned, and that every one had complained of their condition. No doubt, if ships are sent to sea, they should be efficiently equipped; and I do not think that such a state of things as was experienced during the Syrian war is likely to occur again. With regard to the Russian war, it is well known that we were called on suddenly to send fleets both to the Baltic and the Black Sea, and no doubt the Admiralty of that day was under great difficulties in manning the fleet. But before long what was the case? Why we had one fleet in the Baltic and one in the Black Sea, both very efficient. The fleet in the Black Sea in particular was very efficient—as to the Baltic fleet he would not say that it was all that was required. But if it were contended that we should take none but first-class seamen we should never get them—the question was whether we had men to man the fleet efficiently. On the whole I believe that, not merely as regards the vessels and machinery, but the general arrangements for equipping and sending vessels speedily to sea, at no time were the preparations in so forward a state as at present. I now come to the subject of the highest importance—the men. The noble and learned Lord says we have the ships, but the ships are not half-manned; but it so happens that it is just the contrary difficulty under which we have laboured. On coming into office I found certain Estimates prepared and a £10 bounty in existence. I adopted these, and before the month of August I found that the number of men voted by

Parliament was exceeded by 1,000. The news of the Chinese disaster arrived in September, and I did not think it was prudent, under these circumstances, to put a stop to the enrolment of seamen; the result is that for the last six months we have been 5,000 in excess of the Vote. This year we determined to cover that larger number by a larger Vote, but they were still coming in so rapidly that I was obliged to come to the determination only to take able seamen, or ordinary seamen who had already served on board the fleet and been drilled to the guns. When the noble and learned Lord says that if we look to the last month or so, it will be found that we were not getting men. Of course that was so. The men we have are included in the Estimates, and it was not likely I should be taking additional men when I had already 5,000 men more than had been provided for. The noble and learned Lord had referred to the Reserve recommended by the Royal Commission. I have directed my attention to the Commission and their recommendations. The noble and learned Lord has stated correctly that the Commissioners recommend three or four measures. They recommend that the Coastguard should be increased to 12,000 men. I have taken in the Estimates some 10,000 or 11,000 more than last year; and, besides covering the excess in the Estimates this will provide a body of seamen in port ready to put on board ship as soon as they are commissioned. With reference to the Coastguard—

Lord LYNDHURST: Which Coastguard?

The Duke of SOMERSET: Not the Naval Coast Volunteers, but the old Coastguard. Of these there are, first of all, 3,183 who serve on shore, and the officers attached to this force are 259. The crews of the district ships number 2,594; and, in addition, there are the crews of the coasting cruisers, consisting of 827 men. Not including the civilians, to whom the noble and learned Lord has also referred, there are thus of Coastguardmen ready to be put on board ship 6,862 men. The noble and learned Lord seems to attach little importance to the Coastguard ships, because he said they do not go to sea; but he forgets that attached to these vessels there are 14 or more gunboats, which are attached to the vessels round the coast, and in these the men are continually exercised. The crews for the most part are men who have served in the fleet, and a most efficient and excellent body. More than 900 of them are petty officers, which shows the superior class of men who enter the force. It is said that the numbers of the force ought to be raised considerably; but to do that at once would be very injudicious. At present the Coastguard service is a great attraction to seamen—men who have served their ten years in the navy are eligible, and are very glad to get into it. It was only the other day a ship came home and a great number of men elected to go into the Coastguard; and if we were to fill up that serviceable force with any other than experienced and able seamen we should be committing a great injustice and injury to the men in the navy, and discouraging those who are willing to enter the navy, and who are looking forward at the end of their term to get into the Coastguard. The noble and learned Lord did not speak as if he had a very high opinion of the Naval Coast Volunteers, and said he wished me joy of it—by which I supposed he rather meant the contrary. I would only state that there are in the Naval Coast Volunteers 7,000 men. I have received very gratifying reports from the chief officers at Liverpool, Hull, Leith, and numerous other ports upon the coast where they are stationed, all concurring in the conclusion that they are a fine and able body of men, quick at drill, well disciplined, good marksmen, well acquainted with their duties, accustomed to the boats, and altogether an admirable acquisition to the service. It is true they were only intended to serve in the event of emergency, and that they are intended for the defence of the coast; but for that purpose they are a most able and effective body of men, and the reports regarding them from all the different districts are of a highly favourable nature. I think then that as far as the Coastguard and the Royal Naval Volunteer Reserve are concerned, that these statements are most satisfactory. It is quite true that the Commission on Manning the Navy recommended that the Naval Coast Reserve should be a body of 10,000 men, and that at present we have only 7,000. In considering this subject we must contemplate the position of the mercantile marine of this country as well as the position of the navy. A great many men have recently been coming into the navy, but the mercantile marine has of late been drawing largely upon seamen. I have a Return from all the ports relative to the rate of wages given, and I am in-

formed that wages are now better than they have been in most former years. I have Returns from London, Liverpool, Bristol, Plymouth, Newcastle, Sunderland, and other places, and the general observation is to this effect, and that they are sending to other ports for men. There is a competition thus created between the mercantile marine and the navy which tends to affect the Naval Reserve; and the men when they can get those high wages will not come into the navy; so that the very prosperity of the merchant service to a certain extent embarrasses the advance of the naval force. The noble and learned Lord had stated that the Royal Naval Reserve was to be raised to 30,000; but I think the Commission put it at 20,000. As regarded that force undoubtedly there are great difficulties in framing the regulations. The noble and learned Lord laughed at the regulations, and asked, how could the seamen follow them? If these regulations were part of their business and their duty I might agree with the noble and learned Lord; but that was not the case. The regulations for the most part are addressed to the shipping masters and the officers who enrol the men. I believe all the regulations which seamen are required to know can be printed on a single sheet. All we want in regard to this force is a little time. We did not begin to pay the men until April, and we all know that seamen are not very likely to come forward until the pay begins. The scheme has only been a month in operation, and I believe the men are entering very fairly; somewhere about 1,000 have joined, and they are all of them fine men, excellent sailors. In raising this force the Board of Admiralty was unanimous in thinking it desirable that we should only admit at first what are called "able seamen," and not admit ordinary men; because we wanted to get a class of men who would all of them be useful as the nucleus of a ship's company, and to keep out that class who would join only for the sake of the money, and when the emergency arose would not be forthcoming. A letter has been forwarded to me, written by the seamen of Hartlepool to the seamen of Aberdeen, which shows very satisfactorily what is the feeling of the men on the subject. The seamen of Aberdeen, it appears, did not like the scheme, thinking there was some trap in it, and they wrote to the seamen of Hartlepool to ask their advice. The reply was:—"Upwards of 100 men have joined the force here, all like it, and the general opinion is that before long all the eligible men in Hartlepool will be included in it." They added, that there was going to be a demonstration to forward it; the scheme is popular with the men of Hartlepool, and they have every confidence in the Government not sending them on a foreign station—any man who is afraid of being called upon in a time of emergency is not fit to be a reserve man. That is their feeling—and very creditable it is to them. They say, "We are doing well in the merchant service, and we do not want to be sent out to any of your little wars to China or the River Plate, or any of those places where you are always carrying on some small hostilities; but when it comes to a regular European war, we will take our share in it with any man." Taking all these forces together, we have a total reserve of about 14,850 men, and, considering they are all good men, that is not a force to be despised. The noble and learned Lord says we ought to have enrolled a larger number of reserve men; and I have no doubt that, if we had gone about offering bounties to any sort of men, we should have made a much larger show on paper than we do at present. But that would have been a very injudicious course in the long run. The right course was to begin well, and to look to efficiency as much as numbers. I am told that if we had taken the worst class of men, the best class of men would never have joined. The course we have taken has two advantages—it does not involve so large an expenditure as if we had taken men of all classes; and it gives us the nucleus of a valuable force hereafter. The noble and learned Lord talked with a total disregard of economical considerations; but if we are to establish a force which is to last, we must pay some attention to economy. If we were to establish it on an extravagant and wasteful system, Parliament would very soon be for putting it down again. What the country wants is a force that shall grow and be efficient, and the cost of which will not be excessive. I believe by the measures we have taken we shall attain that result. The noble and learned Lord said we could not expect men to join for £6 a year. I have heard that before. Suppose you were to give £10 or £15 a year. In that case a seaman would never go into the navy, because he would be much better in the Naval Reserve with £15 a year, and serving in the merchant service, or picking up

odd money in any way. Many of them would continue for their whole lives pensioners on the public. You ought to give a man just enough to be a tie upon him, but still not enough to make him better off than the sailor in the navy, nor so as to induce him to discontinue his service in the mercantile marine, qualifying himself for service in the navy. It has been said that we should give as much as £20 a year. If we did so, the men would live ashore, and in a few years they would be a set of drunken fellows, unfit to serve their country at sea. The Commission recommended £5. We raised the sum to £6, but I had great doubts about it, and it was only after consultation with experienced and competent persons that I thought, on the whole, £6 would be a better sum. There is another body to which the noble and learned Lord has not referred, but which I consider far the most important part of the force—I mean the boys. What we want is to bring in boys to serve in the navy. A boy who has been a couple of years at sea training in the Government ships is a better man for the Royal Navy than almost any man you can obtain from the mercantile marine. What, then, have the Admiralty done in respect of boys? In 1855, which was a year of war, we entered 4,000 first and second class boys; in 1856 we entered 3,000; in 1857, 1,800; in 1858, 1,690; and in 1859, 5,147. There are 8,200 first and second class boys now serving in our ships. It must always be borne in mind that in training boys for our ships the proportion of boys must have some reference to the proportion of men, and that, therefore, we must take in only such a number of boys as can be absorbed in the fleet. But we have not yet reached that point, and in the Estimates for the present year, besides the 11,000 excess that I have of men over the Estimates of last year, there is an addition of 2,000 boys. We are, therefore, training a large number of boys for the navy. I think that is a very wise course. Captains just returned from sea have told me that the boys make the best sailors in the navy, and that we cannot have too many of them. Accordingly, I have had some vessels prepared, and am now having more prepared, for the purpose of training boys. The House, however, is aware that a very great expenditure may be incurred if orders are too hastily given for anything that may be suggested, much of which may be avoided by proper consideration. The noble and learned Lord has referred to a kind of compulsory service. I believe that if anything could make your navy unpopular, and cripple your efficient force afloat, it would be the attempt to establish a compulsory service. The noble and learned Lord adverted to another point, which he seemed to think the root of all the evils he pointed out. I do not think, however, it is such a great misfortune that the First Lord should not be a professional seaman. I may refer the noble and learned Lord to a speech made by the late Sir Robert Peel, in which he showed the House of Commons what befel our naval First Lords when we had them. He described how Lord Howe had been hunted down, how Keppel had been treated, what had become of Lord St. Vincent. Lord Howe was absolutely hunted out of his place, and I do not think Lord St. Vincent was a very successful First Lord. We cannot, in fact, make a remarkably good show of our naval First Lords. After all, however, the question is not between civilians and seamen. In a Parliamentary Government the Board of Admiralty must be properly represented in Parliament. If you have got a good naval officer in Parliament, I see no reason why he should not be made First Lord; but I do not think it is absolutely necessary that the First Lord should be a professional sailor. Anybody who knows what the details of the Admiralty are, how many questions there are which have nothing to do with service afloat, must admit that for the administration of the navy it is not essential that a man should have had a naval education. I agree with the noble and learned Lord that it is a misfortune there should be such constant changes in the Board; but that evil is not now so great as it was formerly. When I came into office I found a gallant Admiral there who had been one of the Board in the time of the noble Earl opposite, and I think it is always desirable to retain the services of some Members of the Board. But there is also an advantage in some change. What is now done at the Horse Guards, with respect to a compulsory retirement at the end of five years, is done in an indirect way at the Admiralty. You change some of your men and retain others; there is an infusion of fresh blood, and other members of the profession have an opportunity of serving in the Admiralty, where they acquire knowledge which makes them better officers for high command when they return to sea. The no-

ble and learned Lord has not referred to block-ships; but it has been frequently asked in "another place," "Why do you keep block-ships in different harbours?" I admit that they are useless for the purpose of going to sea; but for the purpose of drilling men, and as batteries to guard the mouth of rivers, they are useful vessels. If we were to condemn them, and send them back to the dockyards, they would be stripped, become hulks, and not worth refitting again. I think it is desirable, therefore, to keep them up as long as they will last, and can be turned to a useful purpose. Some of them are still good and efficient batteries, and, if their services were required, would be able to defend the mouth of our rivers. I shall not follow the noble and learned Lord into other questions upon which he touched. We may talk about them more conveniently when we come to consider the Budget. Let us not mix up anything of party with this question. What we all want is, that our navy should be powerful. It may be that difficult times are coming, and we ought to be prepared for them. Let no consideration of party, or of Admiralties, or of Governments, prevent us from doing whatever is necessary to render our navy efficient. That, I think, is the right course to be taken, and it is one in which I hope and believe all parties will co-operate together for the common good.

THE EARL OF HARDWICKE said, the noble Duke had so fully answered the speech of his noble and learned Friend that there was very little left for him (the Earl of Hardwicke) to say in reference to the points to which attention had been more immediately called. But as his noble and learned Friend had enlarged very much on the whole subject of the navy, and had gone back to very ancient times, he might be permitted to say that so far as he had read the history of the navy, this question of the difficulty of manning the navy had been for a long period of time one of anxiety, and frequently the subject of debate in both Houses of Parliament. The country in former times relied upon the impress, and though he was sensible that this was an unpopular topic, yet he must remark that former Governments had taken very great care that the power of the Crown should not be injured in this matter. His own conviction still was that in time of emergency the necessities of the country might be so great that they might be forced to have recourse to the law which authorized them to compel seamen to serve in the defence of the country. His noble and learned Friend stated that he brought this subject forward, having first waited to see if precedence would be taken by any noble Lord who, as he was pleased to say, better understood the subject; but he (Earl Hardwicke) felt very happy that his noble and learned Friend had undertaken the task. He might, however, remind him that he (the Earl of Hardwicke) had not neglected his duty, inasmuch as he had early in the Session called the noble Duke's attention to the state of the Naval Reserve. His noble and learned Friend had stated truly that after 1815 there was great neglect in not keeping up our naval power; and he also stated that at the time we went to war with Russia our Baltic fleet was in a lamentable state, as to manning, in consequence of the condition of the Reserve of the country. But his noble and learned Friend forgot to state that though there had been great omissions under previous Boards of Admiralty, yet it was during the Government of his noble Friend (the Earl of Derby) that our power in the Baltic was mainly created by the Duke of Northumberland, who during the short time that he was in office had constructed no less than nine heavy screw ships. No doubt, after the Russian war, operations came to a standstill, and remained so until the attention of the country was again aroused by a sense of danger. It happened that his noble Friend (the Earl of Derby) was again called to the councils of the Crown, and during the short time that he remained in power the British fleet was much improved by extraordinary exertions, but also with economy in its true sense. During the time that his noble Friend was in office he believed that the fleet was increased by fourteen or fifteen sail of the line, and that there were also eight or nine more such vessels on the stocks nearly ready for launching; a Channel fleet of considerable power was formed, the Mediterranean fleet was strengthened, and there was a vote granted for an increase of 8,000 seamen and 2,000 Marines. Much attention had been excited by statements as to the supposed facility with which the French were able to man their fleet and send it to sea, and he himself knew it was a question with the former Government as to their power of doing this. It was stated that the French had

a reserve of 60,000 men; but he believed it was known to officers of their own fleet that not more than half that number was at any time available to man the navy: 30,000 trained seamen, however, was a most formidable force, and therefore it was that his noble Friend (the Earl of Derby) issued a Commission to inquire if anything could be done to increase our power in that respect. He desired to do everything he could to forward the views of the noble Duke for the improvement of the navy, but he must say that he was surprised that more rapid execution was not taken in reference to the recommendations of that Commission for forming a Naval Reserve. The noble Duke said that it was not until the month of March last that efficient steps were taken; but it was in May of last year that the Commission reported. The object of the Commission was to lay the foundation of a permanent Reserve, to be used in case of emergency; and it was recommended that a system should be adopted for bringing closer together and interweaving the mercantile marine and the Royal Navy; and with this object, it was proposed that in each of the twelve great ports there should be a school ship capable of receiving from 1,000 to 1,200 boys, who should be trained by a naval education, and who should, at the expiration of a certain period, go into the merchant service if they thought fit, or into the permanent Reserve. By now enrolling adults the late Government hoped to relieve the immediate wants of the service; but the main object was to be effected by means of the school ships. What they had heard as to the Reserve was not highly encouraging, but he believed that if once the system took with the seamen there would soon be a very considerable body of men ready at the call of the country. He only regretted that so long an interval had been allowed to elapse between the presenting the Report of the Commission, and going seriously to work to form the Reserve. He believed that the raising 5,000 Marines, in addition to the 15,000 we already possessed, was a most important step; but care must be taken that there were no more Marines than could from time to time be made available; for, if there were more than were required for their proper duties, they would be no longer Marines, but ordinary soldiers. He thought, however, that 20,000 Marines would never be too many. Those men when trained were a most useful and efficient body. They could be sent to sea on all cases of emergency, and having received practical education in gunnery, they make capital artillerymen. If a 50-gun ship were to be sent to sea on an emergency, by putting 50 Marines on board of her they would have a trained artilleryman to each gun, who with the assistance of such men as could be got together for the service would be able to fight a tolerably good action. With regard to the Coastguard, the view the Commission took of them was, having ascertained that the number at present was insufficient to protect the revenue of the country, they thought that the amount of the force should be increased to 12,000. In the present uneasiness that prevailed as to the peace of Europe, he thought it would be wise to raise the Coastguard to that standard; more especially as the number of the men stood at 10,000 according to the statute, although it had never reached that number. The noble Duke very properly remarked that the Coastguard service was considered as an honourable resting place for the most excellent of our seamen after they had rendered valuable service to the country for a series of years, and that it was intended to keep it exclusively for that purpose. That arrangement might be very good in times when there was no restlessness or uneasiness felt in reference to our foreign relations; but in such times it ought to be opened at once and the number raised. The idea entertained by the Commission was, that if they got rid of the landsmen we should at any moment be enabled to obtain from the Coastguard service, if they were raised to 12,000, a sufficient number of seamen to man twenty sail of the line, and could replace them in the Coastguard duties by the Militia. We had the Coast Volunteers; but the objection to that force was that they served under certain conditions, and could not be sent more than three leagues from the shore; consequently, however valuable the services of that force might be in regard to ships cruising in the Channel, they would be comparatively useless for any other purpose. But after all, he should say that the Naval Reserves were nothing as compared with the importance of maintaining an efficient fleet of well-manned ships, which would form the nucleus of a great naval force in the event of war. The country must, therefore, be content to pay the amount of money that would be necessary to maintain for the service of the State a powerful Channel

as well as Mediterranean fleet. With a permanent peace establishment of not less than 60,000 seamen and marines, together with such a Naval Reserve as we might now hope to possess, he thought that they might reasonably consider the country in a perfect state of security. It became a matter of great importance to the British sailor, if he desired to preserve his liberty from any interference, and was anxious to be saved from seeing the press-gang again at work, that he should enter willingly those Reserves; for the country must be defended at all hazards, and their Lordships as well as all others must bear their share of the dangers of the crisis, and suffer the same inconveniences in times of invasion or of threatened invasion. If the seamen did not wish to be impressed, they must voluntarily undertake the duties which the State now asked them to perform upon terms easy in themselves and highly lucrative. A retaining fee and a pension was, after all, no small advantage to these volunteer seamen for the performance of those duties required for the defence of their wives, their children, and their homes.

Lord STANLEY of ALDERLEY said, that the noble Duke at the head of the Admiralty had omitted to answer one portion of the speech of the noble and learned Lord opposite (Lord Lyndhurst). He had omitted to state how it was that the recommendation of the Commissioners in reference to the increase of the Marines had not been carried out. The Commissioners had recommended an addition of 5,000 men to that admirable force, who, being organized and experienced in gunnery, were ready to go to sea at a moment's notice, and were as fit for service as any seamen who could possibly be obtained in times of sudden emergency. He trusted, therefore, that the recommendation of the Commissioners on this point would be fully carried out by the Government.

Lord COLCHESTER expressed a wish to offer a few observations in reference to compulsory service before the noble Duke answered the question just addressed to him. He thought the House must have been extremely gratified with the clear and satisfactory account which the noble Duke had given of the steps which had been taken by the Government to secure the efficiency of the navy and a good Naval Reserve. There was an impression in the navy that naval officers were never to be permitted to fill the office of the First Lord of the Admiralty, and he was therefore glad to hear the noble Duke express an opinion that members of the profession ought not to be excluded from such appointments. With regard to the necessity of retaining to the Government power to compel seamen to serve in cases of emergency, he admitted that the system of impressment formerly enforced was extremely unpopular, and he had no wish that that power should be used unnecessarily, or except as a last resort. At the same time he thought that the power ought to be retained, because he feared that the expectations entertained as to the result of the establishment of a Reserve might prove too sanguine, and that if occasion should arise for calling out the men forming the Reserve they might not be found forthcoming. No doubt, many men would accept the bounty, but would they be forthcoming when required? The First Lord of the Admiralty might "call spirits from the vasty deep; but would they come when he did call for them." He did not mean that the men would be unwilling to serve their country, but they might be absent on trading voyages. He would also remind the House that on the commencement of a great European war the merchant shipping interest would prove a powerful competitor with the Royal Navy, and the men whose services were calculated upon in case of emergency might, when that emergency arose, be found to have entered other services. It was essential that on the breaking out of a war we should have the superiority at sea; for if the enemy had the superiority for five or six weeks, he would capture all our homeward bound merchant ships, and instead of serving on board the fleet the men would be carried to foreign prisons. Under those circumstances, he thought it absolutely necessary that the Government should possess the power of impressment in case seamen declined voluntarily, when war broke out, to join the Royal Navy. The prejudice among seamen against compulsory service was not so much on account of its being compulsory, as in consequence of the indefinite period for which they, the seamen, had formerly been required to serve. That grievance was, however, removed by the Act of 1835, which limited compulsory service to five years; and he trusted that if the necessity should ever arise, the Government of that day would not be deterred by the fear of popular clamour from using the

powers with which they were, by law, invested.

The Duke of SOMERSET, in answer to his noble Friend (Lord Stanley of Alderley) had meant to state that the number of marines was originally fixed at 15,000. The late Government provided for raising them to 17,000, and the present Government to 18,000; but he thought it undesirable to raise more than 1,000 additional in the present year, because if they were too hastily raised a proper discretion could not be exercised as to the quality of men accepted; it would also increase the difficulty of drilling them properly—and it was of the utmost importance that they should be well drilled before they were sent afloat. There were now on shore 6,000 Marines — the number which the Commission had recommended that we should have in order to put on board in case of any emergency. As to impressment, of course that power belonged to the prerogative of the Crown. That power, he was sure, no advisers of the Crown, whoever they might be, would ever recommend the Crown to use, except, in the case of such extreme necessity that he would not anticipate it.

The Earl of SHREWSBURY and TALBOT thought the House and the country owed a debt of gratitude to his noble and learned Friend for having introduced the question, and it was most satisfactory to know that the debate had taken place without the slightest symptoms of party feeling. There was only one point on which he wished to make a remark, namely, in reference to the training of boys. He thought great advantage would result from training boys in the duties of a man-of-war whether they were intended for Her Majesty's service or not, so that when in after years a case of emergency arose and their services were required they would have little or nothing to learn. With respect to the power of impressment, it was quite clear that it must not be abolished, though it was also clear that in the present state of public feeling it could not be exercised except in cases of urgent and imperative necessity.

The LORD CHANCELLOR said, that although impressment had been in abeyance for a considerable number of years there was not the smallest doubt but that the power of exercising it belonged in full vigour to the prerogative of the Crown. That power could only be abrogated or altered by an act of the Legislature of the country. He trusted that there would be no necessity ever again for exercising that power; but if the necessity should arise, he repeated, there was not the smallest doubt of the legality of it.

House adjourned at Eight o'clock, to Thursday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, May 1, 1860.

Minutes.] Public Bills.—1° Census (Ireland) Exchequer.
3° Common Lodging Houses (Ireland); Customs.

COURT OF CHANCERY IN IRELAND.

QUESTION.

Sir EDWARD GROGAN said, he wished to ask Mr. Attorney General for Ireland, if the Government intend to introduce a Bill into Parliament during the present Session, or to take any steps to carry into effect the Recommendations of the Commissioners relative to the abolition of the payment of Fees in the offices of the Court of Chancery, Ireland?

Mr. Serjeant DEASY said, the Government did not intend to introduce any Bill during the present Session for the purpose of carrying into effect the recommendations of the Commissioners relative to the abolition of fees in the offices of the Irish Court of Chancery; and without a legislative measure it would be impossible to carry those recommendations into effect.

THE STADE DUES.

QUESTION.

Mr. FENWICK said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he is prepared to lay upon the Table of the House the Correspondence which has taken place between Her Majesty's and other Governments with reference to the abolition of the Stade Toll, and whether he will state to the House the exact position of that question?

Lord JOHN RUSSELL said, he was

not prepared at present to lay on the Table the correspondence which had taken place on this subject. Some time ago he had stated that, in consequence of the opinion given by the Law Officers of the Crown of the present and of the late Government, they thought it advisable to enter into negotiation with Hanover on the subject of compensation for the abolition of the Stade Dues. A proposal was subsequently received from Hanover as to the basis upon which that compensation should be granted; but on referring the proposal to the Board of Trade, it was decided that that basis could not be accepted by this country. There the matter for the present remained.

THE LATE OUTRAGE IN EGYPT.

QUESTION.

MR. H. BAILLIE said, he wished to ask the Secretary of State for India, Whether he has received any further intelligence of the outrage said to have been committed in Egypt by young Cadets? He understood that it was really not committed by Cadets, and if the right hon. Gentleman has any information to that effect it might be satisfactory to the friends of the young gentlemen who went out by the mail in question.

SIR CHARLES WOOD said, he had received no information on the subject further than that which he had already laid before the House. It was not stated in the Consul's letter that those concerned in the disturbance were cadets, but he talked of young gentlemen lately released from school.

THE POST OFFICE.

QUESTION.

SIR STAFFORD NORTHCOTE said, he rose to ask the Secretary of the Treasury, Whether the Commission of Inquiry at the Post Office has terminated its labours, or has been dissolved; and, if so, for what reasons?

MR. LAING said, he believed that the Commission to which the hon. Baronet referred was only a Committee of some of the officers of the Post Office, who were appointed to inquire into the circulation department. That inquiry had been suspended for a few days in consequence of some alteration in the extent of the inquiries; but he believed it had been renewed, and was now going on.

Lord John Russell

MR. OGILVIE AND THE TARIFF.

QUESTION.

MR. HENNESSY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether Mr. Ogilvie, of the London Customs, who has been selected to assist in the revision of the French Tariff, as stipulated under the Treaty, is the officer of that name who, a few years ago, was engaged, under the direction of the present Chairman and Board of Customs, in getting up the prosecutions for alleged frauds against the various Dock Companies of the Port of London; whether Mr. Ogilvie was employed in revising the British Tariff which has just been abolished, and which was based upon the principle of levying Duties by specific rates; and, further, whether there is any objection to the Reports or Statements made on a former occasion by Mr. Ogilvie to the Board of Customs, or any member of it, or to any person connected with the Government, in opposition to the abolition or reduction of the Wine Duties, being presented to this House?

MR. LAING said, he must beg the hon. Gentleman to postpone his question until the Chancellor of the Exchequer was present. His right hon. Friend, he believed, would wish to make some statement respecting Mr. Ogilvie.

THE WINE LICENCES BILL.

QUESTION.

MR. SOTHERON ESTCOURT said, he wished to ask, Whether it is the intention of the Government to take the Adjourned Debate on this Bill as the first Order on Thursday?

MR. LAING replied, that that must depend on the progress which the House might make with the Reform Bill. It was intended to take the Wine Licences and Refreshment Houses Bill on the first Government night after the termination of the debate on the Reform Bill.

SAVOY—THE CONFERENCE.

QUESTION.

MR. SEYMOUR FITZGERALD: Sir, I observe that in "another place" the Under-Secretary for Foreign Affairs is reported to have said that the Conference respecting the Savoy question is postponed. That does not quite agree with the answer given by the noble Lord (Lord John Russell)

last Friday, and perhaps he will state whether the Conference has been postponed, and whether the bases on which it will meet are arranged.

Lord JOHN RUSSELL: Sir, I do not think my noble Friend can have said that the Conference is postponed. What he may have said, and what I believe he did say, was that the time of meeting had not been fixed. The French Government have always said that they did not think the Conference ought to meet until after the vote of the Sardinian Parliament had been taken upon the Treaty, because if that vote were for the rejection of the Treaty, the whole negotiation must fall to the ground. The time of meeting is, therefore, not fixed, and will not be fixed until the result of the vote is ascertained.

Mr. SEYMOUR FITZGERALD: The noble Lord has not answered the latter part of my question, as to whether the bases of the Conference are arranged.

Lord JOHN RUSSELL: I cannot say that they are arranged, because there has been no agreement among the Powers of Europe with regard to those bases.

MANNING THE NAVY.

ADDRESS MOVED.

Sir CHARLES NAPIER, in rising to move for an Address upon this subject, said that in 1852 the Commission appointed to inquire into the manning of the navy recommended the adoption of the continuous-service system, which was partially carried out. Another recommendation was that a ship similar to the *Britannia* and four frigates should be maintained for the purpose of exercising the boys of the fleet. He had not heard, however, that that recommendation had been complied with. The Commission of 1852 recommended that 10,000 men should be stationed at the different ports as a Reserve, and the Commission of 1856 had made a similar recommendation with regard to a force of 4,000 men, in addition to the crews on board the ships forming the Channel fleet, and if that recommendation had been carried out he could have understood the declaration of the Admiralty that they had as many men as they wanted. But that plan had not been adopted, although the bounty had been reduced. Then, again, the country was paying for upwards of 8,000 Coastguards men, but of these only 6,362 were sailors, including officers. The district ships' companies were not men who could be taken to complete the manning of a fleet, or to man a new vessel, and the 1,400 Revenue men were nothing more nor less than civilians. The whole Reserve, therefore, which, in the event of any emergency, they had to fall back upon was 6,362 Coastguard men, instead of a reserve of 70,000 men, as contemplated by the Manning Commission. It was absurd to tell the House of Commons that they had a Reserve to fall back upon, when all in the world knew the contrary. He was glad to find that men were entering the Naval Reserve in larger numbers than formerly, as he was informed that there were 400 at Sunderland all good sailors. It was satisfactory also to find that the able seamen in the port of London were joining, and that a vessel of war had been stationed in one of the docks for the instruction of those men. Still, 1,000 men were but a very small proportion of the 30,000 who were wanted, and every means should be taken to supply the deficiency. He could not see why the men who had served ten years in the navy should not be induced to join the Coastguard, and their time of service to count—say three years as two—towards the long-service pension. He found that some of the recommendations of the Committee of 1852 had been acted upon. A larger quantity of provision was allowed to the men, but this cause of satisfaction was counterbalanced by the allowance for saving being reduced or discontinued, and he believed the men would prefer going back to the old system. Then, as to the payment of wages, he could not see why there should not be weekly payments as long as the ship was in port. He thought much of the leave-breaking and discontent that prevailed would be prevented if the men were allowed to draw any portion of their wages they liked, and then to have leave on shore. In the East India Company's service the gallant Admiral opposite (Sir J. Elphinstone) had found that making the paymaster of the ship a sort of banker to the men, and allowing them to draw what they wanted, acted very satisfactorily to all parties. Some improvements, he admitted, had taken place in dispensing the allotment money to seamen's wives; but he still had to complain that those allotments were not made so soon as they ought to be. He held that from the moment a man entered on board a ship his wife ought to be entitled to the allotment, and that it ought

to be paid to her once a week. He contended also that on returning home from a cruise, the moment the anchor dropped, a certain number of the men—say one of the watches—ought to be allowed to go on shore to see their families and friends, and to take with them, not the whole of the money due to them, for that led to extravagance, but a portion of it. The men did not like to be kept on board with their money in their pockets. They were often called reckless, but it was the Government system that made them so. When the army was paid once a month there was much more debauchery among the troops than there was now that they received their pay daily. In former days he had seen seamen receive thirty or forty or even fifty pounds the day before, or on the very day they sailed. He had even known them to throw their money overboard, because they did not know what to do with it. During the two years he commanded the Channel fleet there had been no discontent, because whenever he came to port he did not let his men go on leave by driblets of 20 or 30 per cent, but he let a whole watch go at once, and for forty-eight hours. No wonder when one captain let a whole watch out on leave, and another only gave a similar privilege to 30 per cent of his crew, that there was discontent. He had been accused of causing dissatisfaction and discontent in the fleet. Not only, however, did he deny the truth of that imputation, but contended that hardly a single improvement had taken place in the navy for many years past that had not originated with himself, though the Admiralty had in some cases allowed a quarter of a century to elapse in carrying them out. His great aim had been to improve the condition of the seamen. He did not doubt that the Admiralty were desirous of improving their condition also, but they were so excessively slow in all their motions that he had long since lost all patience with them; however, the noble Lord had done what no Secretary of the Admiralty, whether in the service or a civilian, had ever done before him—he had said that corporal punishment should be abolished. He (Sir C. Napier) had always contended that it was impossible at once to put an end to it; and he had stated as much to his constituents, though they hooted him for it. The contrary declaration of the noble Lord had tended to produce more discontent than anything which he (Sir C. Napier) had done. What he had always laboured to effect was to improve the condition of the seamen; satisfied as he was that that was the true policy. The noble Lord's speech had been hawked and placarded about the seaports, but it had only been laughed at. Seamen were told that they were noble, fine, jolly fellows, only they were so suspicious, and above all, of the Admiralty. If that was so, what was the use of the noble Lord the Secretary to the Admiralty stating to the House not long ago that the number of seamen was complete, and that the Admiralty could not avail themselves of the services of any more. It was well known that neither the Channel fleet, the Coastguard, nor the 4,000 men required for service in the home-ports were complete. What, therefore, was the use of the noble Lord "bamboozling" the House and the seamen in that way? It would have been much better for him to say what number of men was wanted, for to state that the navy was abundantly supplied with men, at a time when complaints were made of the hesitation of seamen to enter the service, was the very way to produce the cause of complaint itself. He believed the position of petty officers in the navy was much improved, but he thought the Admiralty had behaved very shabbily in the case of pensions to the widows of warrant officers. They had restored the pensions which at one time they took away, but the manner in which they had been restored was wholly unworthy of the Admiralty. If a warrant officer died on the 25th of December, 1859, the pension to his widow was refused; but, if he died on the 1st of January, 1860, the widow got the pension—a distinction which was shabby in the extreme. With regard to the Naval Coast Volunteers, upon whom the Report said no reliance could be placed, there was a means of making them useful, which he would recommend to the attention of the noble Lord. He would take out of the block-ships at the various ports their masts and spars, making them what they really were—block-ships, and would put into them the Coast Volunteers. Those ships were of no use, lying as they now were; but they might be made serviceable should any disaster arise, by putting the Coastguard on board of them. It would be found a useful step, too, to call each block-ship by the name of the port to which it was attached, as men had a certain pride in belonging to a ship which bore the name of their own port. The Commission recom-

mended a re-adjustment of the Merchant Seamen's Fund; but no step whatever had been taken towards that object. This was a very important matter, and if properly carried out, would be of great use to the men. Another matter to which he wished to refer was, that of admission to Greenwich Hospital. That might be made a strong inducement to enter the navy, but before seamen could be brought to care about Greenwich Hospital, that establishment must be reformed. A Commission had been appointed to consider the subject; but the Report of that Commission had not yet been laid on the table. He did not know why, unless it was that the Admiralty was ashamed of the exposures that would be made: but it was certainly high time that the House should have it, and that the hospital should undergo a thorough reform. Besides the Coastguard service, the opening of which would constitute a powerful inducement to seamen to serve in the navy, there were many places in the Custom House to which civilians and landsmen were at present appointed, and which might be conferred upon the sailor. There were also the dockyard and victualling lighters, employment in which might be restricted to seamen after they had left the navy. Then, as to the propriety of not allowing men to go on shore after returning from a three or four years' cruise, he thought it was very hard upon them; especially as it was notorious that the officers were permitted to land to see their friends. This might be easily remedied by at once discharging the men into a ship that was ready to receive them upon their coming home, and placing the ship, from which they had been discharged with all her stores on board, into the hands of the dockyard authorities. On the subject of stores, he would tell the House what he himself witnessed on Saturday last. He was walking past a union-house in the neighbourhood of Portsmouth, when he saw a lot of what he supposed to be junk brought to the union door. Curious to see what sort of junk it was, he laid his hand upon a bundle of it, and it turned out to be a piece of six or seven-inch rope, that appeared to belong to the shears of a three-decker, and was bran new. Searching further he found another piece of rope that was also without a rub upon it, and that, too, was quite new. Let the House fancy that system going on at every union-house in the vicinity of the dockyards at Portsmouth, Plymouth, and other ports, and imagine what the cost must be. Well, he asked the man who was in charge to give him a piece of the rope, which he did; and he (Sir Charles Napier) sent it to Admiral Grey, at Portsmouth, in order that some inquiry might be made as to how the rope had been thus cut up. And he thought that the best thing the Admiralty could do would be to have the whole of the rope sent back to Portsmouth, institute a survey, and whoever the offender might be dismiss him instanter. His hon. Friend (Sir J. Elphinstone) had referred, on a former occasion, to the question of men breaking their leave, and the offence was one which ought to be punished; for it was totally inconsistent with the maintenance of order and discipline in the service. Some captains, if the men of the starboard watch broke their leave, kept the port-watch in the ship until the others returned, which was punishing the innocent for the guilty. Usually stopping his leave was the only punishment, if a man broke his leave; and the result was that when the man did get leave he broke it again. He contended that men ought to be more severely punished for this offence. He would not have them flogged, but would give them a week's imprisonment, with hard labour. He would not send these men to Exeter or Winchester gaol, for they came out worse than they went in. There ought to be naval prisons in the seaport towns. The crews in port would know that these men were in prison for breaking leave, and so forth; and it would do more than anything to prevent a repetition of the offence. It was said that the Admiralty had made a new code of laws for the navy, and he hoped it would soon be published. For desertion, and other serious offences, he would send men to the penal settlements; and if it were publicly known that this punishment would follow, there would be very little desertion. He implored the Admiralty to take this into consideration. He would give the sailors the same right to a court-martial that was given to the army. Let the sailor be tried by his own officers. He used to establish a certain sort of court-martial. He told the ship's company they might be present if they liked, and he took evidence; but he was obliged to act as judge, jury, and executioner. Unless, however, the Admiralty paid their men better, they would never make the service popular. He used to be opposed to giving better pay to the men, and was for giving it instead to the petty officers. But it was now found

that men would not serve in the navy, if they could get employment elsewhere. The Admiralty, like every other employer of labour, must pay the market price. He would encourage every A. B. to look forward to becoming a petty officer; and he would approach the pay of the petty officer nearer to that of the warrant officer. If the Admiralty raised the petty officer's position, the men would respect him more. If the petty officer committed a crime, let him be tried by court-martial; and if he were dismissed the service and lost his pension, he would be very severely punished. The petty officers, however, should not be tried by the officers of the ship's company. They ought to be tried by the captains and officers of the fleet, with all the solemnity that could be given to the inquiry. The difficulty in procuring men, was shown in the case of the *Ganges*, *Renown*, *Diadem*, and *Mersey*. The *Ganges* was 10 weeks in getting 428 men. The *Renown* obtained 650 men in 17 weeks. The *Diadem* and *Mersey* were about as long in raising the same proportion. All that time the pay of the officers was going on; and he should like to know how much was thus lost in officers' pay, while the men were coming in by driblets. When, as frequently happened, a ship abroad was kept waiting to be relieved, the Admiralty were paying half the men in one ship and the whole of the men in the other during the interval. The House might like to know the opinion of the sailors. He had received many letters from them, and they agreed that there were many seamen unemployed who might be got to serve Her Majesty. The watermen and lightermen of the Thames, in consideration of certain privileges which they enjoyed, were obliged when called upon to serve in the navy, but the Admiralty now-a-days rarely, if ever, enforced the claims they had upon them. In his opinion, however, the services of these men might be turned to good account. He recommended the Admiralty to establish a large and efficient vessel somewhere in the river, on board of which the watermen could be drilled. The existence of their privileges depended upon their responding to any call that was made upon them, and the Admiralty would have no difficulty in collecting as many as would form a complete ship's company. There were block-ships at Liverpool and Harwich, but none at all in the Thames, where a ship's crew might be had for nothing. It was his earnest desire to see the navy put in an efficient condition, and he saw no reason, if the proper steps were taken, why it should not become so popular that, instead of the Admiralty having to beg men to join, they would beg to be employed. It ought not to be said that this great maritime country found a difficulty in obtaining choice seamen for her fleet, which was not experienced by the great steam companies and private traders. The noble Lord the Secretary to the Admiralty indeed had stated that choice seamen had been procured for the navy; but from the information he (Admiral Napier) had received he was disposed to believe, though they might be choice seamen some years hence they could not be called so now. He wished particulary to press upon the Admiralty the necessity of establishing better discipline in the navy. A sailor must be ruled with a hand of iron in a glove of velvet; he should be treated with consideration and indulgence when well-behaved, but any breach of discipline should be severely punished.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, expressing the regret of this House that, instead of a Reserve of 70,000 men contemplated by the Manning Commission, there only exists 6,362 Coast Guard Men, including Officers, 1,900 District Ships' Companies, 1,400 Revenue Men and 600 Cruisers' Men, and 5,000 or 6,000 Coast Volunteers not to be depended upon; and, as a Vote of this House has unanimously decided that the Report of the Manning Commission ought to be carried out, this House humbly prays Her Majesty will give directions that the Coast Guard should be completed to 12,000 seamen, as recommended by the Commission, ready to be placed in efficient ships at the several Ports, instead of the present block-ships, thus constituting a Reserve of ten sail of the line, ready for any emergency; that the number of Naval Volunteers, now under 1,000 should be completed as soon as possible, and the other recommendations of the Commission complied with; and humbly to represent to Her Majesty that the bounty for able seamen ought not to have been lowered till the number wanted was complete."

SIR JAMES ELPHINSTONE said, he rose to second the Motion, as well as to express a hope that the important suggestions of his hon. and gallant Friend would receive due attention from the Admiralty. He seconded the Motion principally in the hope that the noble Lord the Secretary to the Admiralty would be able to give some good account of the Naval Volunteer force. He was very happy indeed to have heard since he came into the House that the reports which the noble Lord would be able to make were of a very fa-

vourable nature. He always felt that there would be considerable difficulty in starting that force, but that when it was once put in motion the seafaring population of this country would cheerfully enter it; and that, inasmuch as it combined many advantages, it would go on constantly increasing in numbers and efficiency. The arrangements with respect to the reserve force had been completed only a short time, and it was not to be expected that the number of men enrolled before the completion of the arrangements would be very considerable. He thought the machinery for increasing the reserve force might be modified with great advantage. It was not politic to burden an overworked department like the Board of Trade with the formation and management of a Reserve force of 60,000 men, which must be greatly augmented in time of war. He thought that the many officers of high standing who were unemployed ought to be constituted a department for superintending that force. By means of a department of that sort the naval force and the mercantile service might be brought more into unison than they were at present. He would also press most strongly upon the Secretary of the Admiralty the propriety of devoting his most strenuous exertions to carrying into effect the recommendations of the manning Commission with respect to the establishment of school ships, for it was on school ships that the whole matter depended. If we could only obtain 15,000 or 20,000 men for the Naval Reserve, the school ships would soon supply enough of men to make that body as numerous as the Manning Commission recommended it to be. The boys trained in these ships would rapidly become men, and they would be men of education and good character. The school ships would form a connecting link with the merchant service, and that was very much wanted. He would also urge upon the notice of the Secretary to the Admiralty the extreme injustice of carrying out only partially the recommendations of the Naval Commission in regard to warrant officers. Many cases of hardship had arisen from the restrictions which accompanied the restoration of pensions to the widows of warrant officers, and he trusted that they would be removed. A petition from no less than forty widows of warrant officers for compensation had lately been laid on the table of the House, but the informal manner in which it was drawn prevented its reception. He had on that occasion also presented a petition from a warrant officer's widow, which was to the effect that the petitioner, a person of very high character, was the widow of the gunner of the *Sans-pareil*, Mr. John Alexander White, who died of cholera at the siege of Canton, and that, in consequence of her husband having died before the date of the warrant for restoring pensions to warrant officers widows, she was declared to be not entitled to a pension; and as she had no other means of support, she was now, notwithstanding the respectable position in life she occupied before her marriage, earning a livelihood for herself and infant daughter, by making shirts at 4*s.* a dozen. With regard to the question of breaking leave, it was impossible for him to coincide in the opinion that harsh measures should be taken against the men who broke their leave. When a ship's company could go on shore, and the officer could bring his liberty men back again on board ship, then they would be in a position to punish the men severely. But as long as a system was tolerated which was a disgrace to the country, of seamen being seized in seaport towns by the lowest and vilest of the community, drugged, robbed, and turned out stupefied and half-naked, without any organized police to keep this system in check or assist officers in recovering their men, they were not in a position to punish the men for breaking leave very severely.

LORD CLARENCE PAGET said, he could not but think that the practice, in which the hon. and gallant Member indulged almost weekly, of bringing before the House a recapitulation of details as to the discipline and management of the fleet in one stereotyped speech, was not conducive to the interest of the service for which the gallant Member professed great anxiety. He would not enter into all those details, but would endeavour to inform the House in a short statement taken from official sources, of the actual position of the Reserve and the fleet. With regard to the Motion, he believed it was founded on many misconceptions, and he should, therefore, ask the House not to agree to it. The first part expressed "the regret of this House that, instead of a Reserve of 70,000 men contemplated by the Manning Commission, there only exist 6,362 Coastguard men, including officers, 1,900 district ships' companies, 1,400 revenue men and 600 cruisers' men, and 5,000 or 6,000 Coast Volunteers, not to be depended upon." He thought that paragraph was offensive to

the seamen of the country [Sir C. NAPIER: it is in the Report of the Commission.] He maintained there was no reason to suppose that the Coast Volunteers were to be depended on for the service for which they were intended. The Coast Volunteers were enrolled for service on the coasts, and not for foreign service, which was a very different thing. He maintained that they were to be depended upon, and that the contrary assertion was offensive to the seamen and to the public. The Commission on Manning the Navy, after going into various details, recommended various improvements in the position of the men with regard to pensions, pay, provisions, and clothing, many of which had already been effected. The Commissioners then recapitulated their propositions for the service of the country, and to those points he wished to limit his observations. They proposed that there should be reliefs in the home ports to the number of 4,000 men. Every gentleman connected with the Admiralty was equally as desirous as the Commissioners to see that carried out, and he believed that this year, supposing they got all the men for whom Parliament had voted the money, they would not be far from the desired end as there would be a considerable number of reliefs in the home ports. As to the Coastguard, to which the hon. and gallant Member next referred, he stated the other day their number, and he would repeat it on that occasion as he thought it desirable that the amount of that invaluable force should be generally known. In the Coastguard there were 6,862 sailors, officers, and boys. It might be said that the number did not represent the true strength, because the officers were included; but men without officers were a mere rabble, and in a reserve force there must be a number of officers corresponding with the number of men. There were besides 476 Marines who were attached to the Coastguard. There were besides 1,381 civilians, about whom he would only say he believed that they would, if necessary, do good service. The gallant Admiral said it was desirable that the Coastguard should be increased to 12,000 men. He agreed with the gallant Admiral, and knowing the extreme value of that body, the Admiralty were daily increasing the numbers. It was not the work of this particular Board of Admiralty; but for years it had been a rule that whenever a man-of-war was paid off every seaman who had served ten years, with a good character, was allowed to go at once into the Coastguard. The result was to increase the Coastguard, but, at the same time, to lessen the number of men fit for petty officers. They could not, to use a homely phrase, eat their cake and have it too. If they would have a numerous and efficient reserve of Coastguard they must take the best men from the fleet. With regard to block-ships he fully admitted that it was more desirable to have 80-gun ships in our ports. The gallant Admiral no doubt supposed that he was forwarding his object by continually coming down to the House and making the same stereotyped speech. The Admiralty were most desirous of replacing those block-ships in the way proposed. The *Hastings*, lately at Liverpool, a very old ship, and failing in speed, had been replaced by the *Majestic*. Again, at Portland, where there was a good harbour, the *Colossus*, or a sister ship,—an 80-gun ship—would be placed there. But there was expense attending these changes, and he wished the gallant Admiral would always mention the cost when he alluded to these notices. There was, besides, great difference of opinion as to the policy of placing sea-going ships as Coastguard ships. The gallant Officer desired that the Admiralty should be able to put men on board their ships, make them ready for sea in cases of emergency, and that the ships should be in good order and prepared to fight the enemy next day. Well, the Admiralty had just had a proof that, without making this change, ships might be made available in a few hours. Not many weeks ago it was decided by the Admiralty to place the *Majestic* 80-gun ship at Liverpool, instead of the *Hastings* block-ship, and orders were accordingly sent to Liverpool that the crew of the *Hastings* should proceed by railroad to Sheerness, and that the men should take possession of the *Majestic* and proceed to sea. The men left Liverpool at 8 o'clock one night and having reached Sheerness went on board the *Majestic*, and were ready for sea the next afternoon. The next point to which the gallant officer's Motion alluded was the number of the Naval Volunteers, and he stated that the number, now under 1,000, should be completed as soon as possible. He must first of all say that the gallant officer was incorrect in his figures. The Naval Volunteers did really amount to 1,000; and, considering that the force had been scarcely more than two months in existence, he thought the pro-

Lord Clarence Paget

gress made satisfactory. He did not believe that a great volunteer force could be raised suddenly. Seamen's wages were now £3 10*s.*, and there was a great scarcity of real good seamen; and, as a great force could not be got suddenly, the Government must be satisfied with a gradual progress, unless they entered an inferior class of men, a proceeding, in his opinion, highly undesirable. The suggestions which had been made by the right hon. Members for Oxfordshire (Mr. Henley), the hon. Member for Northumberland (Mr. Liddell), and others, had not been neglected, and shipping-masters had been consulted with respect to them. In proof of this, he might mention that one emanating from the gallant Admiral himself had been especially considered—namely, whether it would be advisable to pay men in advance upon their enrolment instead of at the end of the quarter. But upon this point he had received a letter from a very hard-working officer in the north, whose opinion was well worthy of respect, saying "Pray don't do anything of the kind; it will disgust the good men; men who wish really to become efficient men know that there are those who come merely to get the £1 10*s.* enrolment fee to get drunk upon it, and they feel that if this were carried out as a rule, such men would very soon not only disgrace themselves but the force too," and it really seemed that if the suggestion of the gallant Admiral were adopted it would probably prevent a great many men from joining the force. With respect to the short-service pensioners, the gallant Admiral asked why they were not allowed after a short service of ten years to go into the Reserve, joining the Naval Volunteers, instead of being kept in the ship. Such a proceeding could not be adopted without damaging the fleet. If all the men of ten years' service in the fleet were invited to join the volunteers, what was to become of the fleet? There would be no seamen in it. The country had got a young fleet, and he was about to show to the House what the Government had done within the last year in creation of a fleet; and, so far from the state of things being matter for censure, it was a subject for congratulation that in so short a time so many men had been raised for Her Majesty's service. The Commissioners recommended that there should be a body of Marines on shore amounting to 6,000. The gallant Admiral's view was to show the poverty of the nation's forces, and the gallant Officer had entirely overlooked the fact that the body of Marines on shore amounted to 6,178, being greater than the Commission recommended. With respect to the short-service pension Marines the same argument held good as with respect to sailors, for, if all the Marines who had served ten years were to leave for the purpose of joining the Reserve, the best men would be lost to the active service. No doubt, in some years hence, when the navy was well manned and the men could be spared, it might be desirable to have recourse to the short-service pensioners, both seamen and marines, as a reserve. The number of men enrolled in the Royal Naval Volunteers from the 1st of January, 1860, to the 30th of April, 1860, was 894; and the number of applications awaiting verification of service before the grant of certificates was eighty-three, making a total of 977 men; and he had since seen a return, according to which the number was stated to amount to 1,000. With regard now to the Coast Volunteers, there were on the registers, available for immediate service, 7,015 Royal Naval Coast Volunteers. It was essential that hon. Members should bear these figures in mind; because in the assertions made by the gallant Admiral (Sir Charles Napier) all official figures were entirely set aside, and his own fanciful estimate alone adhered to. These were all important points connected with this Manning Commission, but the most important point of all related to the boys; for, let what would be done with the Reserve, the means of enabling the country to have a really efficient navy must depend materially upon educating boys. A statement for the years 1857, 1858, and 1859 would show the increase which had been gradually taking place in the establishment of the boys. In 1857 the number of boys was 1,898, in 1858 the number was about the same, but in 1859 the number had increased to 5,147. At the present time we had no less than 8,535 boys. The hon. and gallant Admiral was therefore sadly incorrect in his estimate of the naval force. He wished to be candid, to have no reserve, because he believed the more the public knew of these matters the better for the service. Opinions might vary as to the percentage of boys which it was desirable to have in the fleet, and he did not think that point was yet satisfactorily ascertained. The percentage at present of boys was about one-sixth, but some authorities thought it

ought to be as high as one-fifth. However that might be, the fact remained that we had at present 8,500 boys, who would become in a short time first-rate seamen. The hon. and gallant Admiral had talked of the impossibility of getting men for the navy—that our ships were undermanned, that the men were discontented and were unhandsomely treated. The answer to that was, that in the whole Channel fleet, consisting of twelve sail of the line and three large frigates, there was only a deficiency in warrant and petty officers and able seamen of 377. In the Mediterranean fleet, of about the same strength, the position was almost precisely similar, and a draught of about 150 men were now on their way out to fill up those vacancies. He maintained therefore that these facts did not justify the gallant Admiral coming down to the House and asking for a censure upon the Government, past as well as present, for not creating a Reserve as fast as his quick and ardent imagination led him to believe it could be created. The next point he would mention was as to training ships both for exercicing volunteers in gunnery and for the education of boys. Training ships were a most important portion of the scheme, and he would state what had been done in that matter. For the Naval Coast Volunteers there was the *Hastings* at Liverpool, which had been transferred from the Coastguard, and the *Castor* at Greenhithe. Those ships were fitted up as complete men-of-war with bedding, utensils, boats, &c., because the men lived on board during their month's drill. There was also the *Brilliant* in the City Canal, which was not so fitted up, because the men only went on board during the day, and there was the *Trincomalee* fitting to be sent to the north of England. A small steamer, the *Weser*, was also being got ready to take men to the mouth of the Thames in order to practise firing at targets. Those training vessels were only in addition to the innumerable guns and batteries all over England. For the training of boys one line of battle ship was fitting at Devonport, and she, no doubt, would be the forerunner of others. There were also the four brigs—one at Cork, two at Portsmouth, and one at Devonport. He thought he had shown by the facts he had adduced that the Admiralty had endeavoured to increase our Naval Reserve, and by promoting the introduction of boys to create a nursery for seamen. There was only one other point to which he felt it necessary to refer, and that was in relation to the latter portion of the hon. and gallant Admiral's Motion, that "the House is also of opinion that the bounty for able seamen ought not to have been lowered till the number wanted was complete." He (Lord C. Paget) thought he had already answered that opinion, as he had shown that our fleets were only a few men short of their proper complements, and the deficiencies were only such as the ordinary casualties would create; that we had a vast number of boys who were growing into good sailors; that they were daily entering seamen sufficient to fill up any vacancies that might exist; and that therefore it would have been unwise and unnecessary to continue the payment of a large bounty. But this was not his only reason, for he demurred to the proposition of the gallant Admiral that bounties were good things, and, indeed, he regarded the system of bounties as an unwholesome one. He admitted that last year there were strong reasons for the course which the right hon. Gentleman opposite (Sir J. Pakington) took in offering a large bounty, which certainly did enable the country to obtain a good many men. The present Government had lowered the bounty because they thought the offer of a large bounty was, in ordinary circumstances, an objectionable system. He believed it had been one of the causes of that craving for leave which had become apparent among the men, because they had their pockets full of money, and were always wanting opportunities for spending it, and, therefore, he held the opinion that the offer of a large bounty, except under peculiar circumstances, was unwise and detrimental to the public service. He thought he had proved to the House that the Admiralty had not been unmindful of their duty, and that it was their continual study to improve the condition of the navy, and therefore he hoped the House would not agree to the Motion of the hon. and gallant Admiral.

SIR JOHN PAKINGTON said, he quite agreed with the noble Lord that the Motion of the gallant Admiral was too extensive in its terms and peculiar in its phraseology, and his speech too general to make it an easy task to follow him. With respect to the last portion of the Motion, indeed, he doubted whether it was framed in accordance with the rules of the House, and whether the Speaker could put a Motion which commenced by an Address to the Crown, and concluded with a Resolution. He was glad, however, to hear that

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the Admiralty had decided to lower the bounty, as he did not consider it was desirable to retain the bounty system as a permanent system. His sincere belief, however, was, that under the peculiar circumstances that existed last year, the late Government were justified in taking the step they did take, and the noble Lord had very frankly admitted that he took a similar view. But the adoption of that exceptional course last year did not at all imply an approval of a permanent system of bounties, and he had felt some apprehension lest the present Government might intend to continue that system. He had heard with great pleasure what had been said by his noble Friend on this subject, and thought the Government had acted with great propriety in reference to it. At the same time, while he could not concur in censuring them for what they had done, he was glad that the gallant Admiral had brought this Motion forward, because the practical question which he had submitted was one of great interest to the House and the country. What were the exertions which the Admiralty were now making to attain the all-important object of a permanent and reliable naval reserve? That was the point for consideration, and the gallant Admiral's Motion had elicited from the noble Lord a statement which would, he thought, give much satisfaction. With regard to the maintenance of reliefs at the various ports, there was no subject on which the late Board entertained greater anxiety. The Committee on Manning the Navy and the Royal Commission had made a wise recommendation on this point, and he was very glad to hear from the noble Lord that if the numbers voted by Parliament were completed, there would be in the ports somewhere about 4,000 men available for immediate service afloat. He did hope the successive Boards of Admiralty would never lose sight of this point, and that the House of Commons would never hesitate to grant every year the necessary funds to prevent the disgraceful spectacle of men-of-war lying in harbour for weeks and months before they could complete their complement of men. With regard to the Coastguard, he was glad to hear what fell from the noble Lord. He understood the noble Lord to say that, the Royal Commissioners having recommended the raising of this force to 12,000 men, the Admiralty were now aiming to procure that number. He feared that the Estimates on the table were for a number far less than 12,000, but if he understood his noble Friend rightly, the Estimates of the present year did not ask 12,000 Coastguard men, as they could not hope to obtain them this year, but that it was the intention of the Board of Admiralty to raise that amount. He thought that was a very important statement, and to no one would it be more satisfactory than to the gallant Admiral. With regard to the Royal Naval Volunteers, the statement of the noble Lord was not so satisfactory as he could have wished. Now, it might appear a trifling matter, but he would ask whether the Board were doing well to retain that name. We had already the Naval Coast Volunteers, and would it not be better to have a distinct title for each, and to call the new force by the very intelligible name of the Royal Naval Reserve? The main point was how soon this would become an effective and available force. He did not despair of seeing the number of men who came forward considerably increased, and he trusted that the Admiralty would spare no exertions to complete the number. The noble Lord had spoken of the scarcity of seamen as one reason for the slow increase of this Reserve force. It was most undesirable, both in the interests of the Royal Navy and of the merchant service, that such a scarcity should exist, and, with a view to supply the want, he quite agreed with the noble Lord as to the great importance of increasing the number of boys in the service. Whether the proportion of boys to seamen should be one-fifth or one-sixth, he would not venture to say; but it should be remembered that whatever abstractedly might be the desirable proportion, it must be difficult, if not impossible to fix that proportion with precision so long as the House of Commons were in the habit of voting at the request of the Government a fluctuating number of seamen each year. However this might be, the surest way of maintaining the navy was to train up men for ourselves, and always to take care to have a large number of boys in training. From the latter part of the speech of his noble Friend he hoped it might be inferred that the Government intended to carry out the whole recommendation of the Royal Commission on this subject. [Lord C. Paget: Hear.] He was glad to hear that cheer, and wished also to know whether the recommendation respecting school ships would be followed. This recommendation most wisely went far beyond the mere requirements of the Royal Navy. The Commission contemplated the

training of boys, so as to supply the merchant marine also, and no part of their Report was sounder and more judicious. It was to be hoped that, as the result of the measures suggested by the Commission, cordial relations would be established between the two services, so that merchant seamen might be led to enter the navy freely in times of emergency. Altogether he gladly accepted the noble Lord's statement that the Admiralty were doing all they could to insure the efficient manning of the navy, and the formation of a Reserve which should be instantly available in case of need.

SIR MICHAEL SEYMOUR observed, there could be no question, either in that House or elsewhere, of the great importance of carrying out the recommendations of the Royal Commissioners, as there could be no more important question for the country than that there should be always ready a sufficient number of seamen in reserve to man our ships to meet any emergency that might arise. He looked upon the statement of the noble Lord as highly satisfactory, and he had no reason to doubt that the recommendations of the Royal Commissioners would be carried out in a manner which would prove satisfactory to the House and the country. The subject of manning the navy, however, could not be too constantly dwelt upon. He must say that, with our voluntary system, we had hitherto laboured under great disadvantages as compared with the nations in which compulsory service was the rule. We stood alone in our arrangements in that respect, as we were in effect living under a free trade in seamen. One by one the proclamations and orders in council and Acts of Parliament — by which our seamen were to be made available for manning our fleet — had been withdrawn or fallen into desuetude. Our navigation laws had been swept away under which a numerous and hardy race of able-bodied seamen had been bred as apprentices in our coasting trade, and the whole tendency and character of modern legislation had been such as to diminish our command of able-bodied seamen for the navy. At the same time our commerce had not declined, but had steadily increased; nor had our colonial interests diminished. At the present moment we had a great number of our seamen in the United States Navy, tempted there, of course, by the larger pay, and the system which enabled them to remit their pay to their families if in this country. He trusted that the day was far distant when any hostile emergency would arise; but as things stood at present he was at a loss to understand how we were to furnish the requisite number of men to meet a sudden and urgent increase of armament. In 1812 we had troops and volunteers to the extent of 800,000, and we had in the navy 600 ships in commission, of which ninety were line-of-battle ships. It is difficult to understand how our power then displayed could be now equalled in the event of any interruption to our friendly relations with other countries. If peace were maintained, it must be by the maintenance of a force which should be able to continue the supremacy we had always possessed; and he would only express his most earnest hope that the Government, by carrying out without delay the recommendations of the Royal Commissioners, would best secure the interests and maintain the honour of the country.

MR. CORRY said, that he had been taken to task last year for talking upon such a vulgar subject as expense in relation to the question of substituting more efficient vessels for the block-ships. He did not think they should incur useless expenditure, and he believed that great expense would be occasioned by such a measure without any corresponding advantage, as, on the block-ship being put out of commission, the stores and materials, on which a large sum had been expended, and which were sufficient to last out the commission, could not be made available for the ships which replaced them, and after the new ship had been in commission for some time, before she could go to sea all kinds of repairs would be necessary, such as relaying the decks and recaulking, which would occupy as much time as to bring forward a new ship. In illustration of the loss which would thus be occasioned, he would state that the first cost for masts, yards, sails, and other stores for a block-ship was £16,000, which would make a total of £128,000 for the whole, a great part of which would be lost, and, as he thought, for no adequate object by the proposed arrangement. The best way to deal with the block-ships was to let them die a natural death and wear themselves out. He was very glad to hear the noble Lord's statement, that the Reserve force was going on satisfactorily. He had always, however, he confessed, placed more reliance on the Reserve that was kept by the Admiralty in permanent pay than on that portion which was obtained by a re-

taining fee, and he trusted that every effort would be made to complete the Reserve of 4,000 seamen in the ports recommended by the Commission. He hoped his noble Friend would see to the organization of the Marine Reserve Force to the full number of 20,000, as recommended by the Manning Commission. They were men well trained in gunnery, and would be most useful in case of emergency. With regard to the Royal Marines he understood the noble Lord to say that the Commission recommended a Reserve on shore of 6,000. He thought that was a misapprehension on the part of the noble Lord. What the Commissioners did say was, that the usual number of Royal Marines in reserve on shore was 6,000; but they recommended that an addition of 5,000 should be made to that number, so as to raise the whole number to 11,000. He believed that since the Report was issued there had been 3,000 added to the Reserve, so that it only required the addition of 2,000 more Marines to give effect to that recommendation. He hoped the Government would make that addition during the present year; and that a large portion of that increase would be composed of Marine Artillery. No better reserve for handling guns on board ship could be had, in conjunction with a sufficient number of blue jackets. With regard to the question of leave, he thought that that was a matter that should be left entirely to the officers, and that it would be most injurious to discipline to establish any regulation by which the men could, at any time, claim leave as a matter of right, but he also thought that caprice in granting leave was a great misfortune, and that in large fleets a uniform system should be established by the Admiral for each ship, leaving to the captain a discretionary power to be exercised under special circumstances only. With regard to the Coast Volunteers he certainly could not support the Motion of his hon. and gallant Friend, if only from the mode in which he spoke of that body. The hon. and gallant Admiral said that force was not to be depended upon. [Sir CHARLES NAPIER: It is in the Report of the Committee.] He believed they were a most valuable corps. They were effective, well conducted, and very willing to perform their duty. He hoped after the satisfactory statement of his noble Friend the Secretary of the Admiralty, his hon. and gallant Friend would not think it necessary to divide the House. If he did he (Mr. Corry) must vote against him.

SIR GEORGE PECHELL said, he believed his noble Friend the Secretary for the Admiralty had a sincere desire to carry out all that the Commission required. He was glad to hear many of the statements made by his noble Friend, but he heard none with greater pleasure than that which he had made about the great increase in the number of boys in the navy. He believed there had not been a naval discussion in that House for twenty-five years in which he had not endeavoured to impress on the Government the necessity of training boys for the navy. By the present system of training the Volunteers they went on board a block-ship, in which they had not to take care of their own clothes or to wash their own linen, but the seamen had to do all the work; and that was one of the points in which seamen on board the block-ships thought they were ill-used; and another result was that the Volunteers were not taught their business. The Commission had recommended the abolition of the system of allowing freight for specie. The existence of that system had been the source of great favouritism and jobbing. He thought that the freight should no longer be received by the captains, but that it should be applied towards the pensions for the widows of warrant officers, who were now told by the Admiralty that pensions to them did not come within the scope of the regulations.

ADMIRAL WALCOTT: I think there are many subjects bearing upon the navy and those engaged in its service, which would be more properly left in the hands of the Admiralty than brought under the notice of the House of Commons; for the consequence is that the men, instead of looking to their officers are taught to look to this House, to the great injury of naval discipline. I regret to hear that there are many seamen seen in the streets of Portsmouth and Devonport in a state of drunkenness; the remedy would be a regulation of the number allowed to go ashore by the Admiralty, but at the same time the endeavour should be made to induce better habits among the men by means of libraries, so that they may be able to instruct and amuse themselves on board in a rational manner. I see no advantage derivable from the increase of the Coastguard to 12,000 men, with a large reduction of Customs' duties; there should be rather a corresponding diminution in their numbers, while at present the best men are being transferred by the Admiralty from the

navy to the Coastguard. Petty officers should not thus be removed, but men who had passed a long period of unbroken time should receive a larger pension. I regret to see so many instances of insubordination in the navy ; every such display should be crushed, as we would trample on the hot cinders that threaten to set fire to our houses; for, unless this be done, when England wants her navy, she will find it a discredit and of no use. The block-ships are perfectly suitable to the nature of their employment, and had better remain until their stores are worn out, instead of being replaced by fine ships that ought not to lie idle. Eight years since, in 1852 when I first entered Parliament, I denounced the custom of ordering ships home and dismantling them while they were in a state of the highest efficiency, and their stores, not half worn out were, instead of being made available, worked up as junk. Another ship should be provided by the Admiralty for the reception of the officers and crews, the riggers should dismantle them and return their stores for future use, and hundreds and thousands of pounds would be saved. Within the last thirty years I have no hesitation in estimating the amount that would have been saved at £1,000,000 had this course been followed. In 1853, and on every subsequent discussion on the Naval Estimates, I have impressed upon the First Lord of the Admiralty the necessity for securing boys in the seaports for the future manning of the navy. The merchant service employs 180,000 seamen, of whom we cannot expect any great number to enter the Royal Navy in time of peace. On the occurrence of war, however, they would, being out of employment, naturally turn to the Queen's service. Every year 3,000 to 4,000 boys should be draughted into the navy, and a training ship should be stationed in every mercantile port ; we should now have had, if my recommendation had been followed, a large reserve of 10,000 to 15,000 able seamen for the fleet. The great matter of importance is to place in such training ships, officers of skill, temper, and kindly habits and disposition, such men as Captain Harris of the *Britannia* and late of the *Illustrious*, who had trained up several valuable lads for the navy; at eighteen years of age they would be fit for the mizen-top and other duties of the ship. I have heard with considerable pleasure the noble Lord announce that independently of frigates, we have twenty-four sail of the line ready for any emergency. With dependencies and colonies widely dissevered, and an extensive commerce to protect, and bearing in mind the great uncertainty as to the maintenance of peace, it is the first duty of precaution and fidelity to our country to maintain and make provision for a navy in the highest possible state of efficiency and strength.

SIR HARRY VERNEY said, he believed that the admission of boys into training ships was a step of great value to the service. He had received a letter from a young officer on a foreign station, which, as it bore upon the question, the House would, perhaps, allow him to read. The writer begged of him to bear his testimony to the value of training ships for boys. There were half a dozen lads on board his ship who had come from a training brig. Every one was the picture of a sailor, and they had astonished the old hands by their aptitude in the duties of a ship. As an instance, he added that one of his men who entered as an able seaman and got a bounty of £10, being ordered by the boatswain to make a mat, half an hour afterwards he found him fiddling with the rope. The boatswain abused him for his ignorance, and called one of the boys, from the training ship, who set to work, and did it in a workmanlike manner. As a civilian he could not help feeling astonished that when a ship was paid off the country should lose the valuable services of men who had perhaps been for years in training. It was not so in the army, but soldiers acquired an *esprit de corps* which made them proud to belong to the regiments of which they had been members. Could not some such feeling be introduced into the navy ?

MR. BENTINCK said, the hon. and gallant Admiral (Sir Charles Napier) deserved the gratitude of the country for the energetic and determined manner in which he had called the attention of the House and the country to their national defences, or rather to their want of defences at a time when it was less directed to the subject than its importance demanded. On that occasion he had elicited very important information from the noble Lord, but having done that, he hoped his hon. and gallant Friend would rest satisfied, and not press his Motion to a division. He (Mr. Bentinck) for one was highly gratified that he had brought it forward. The first topic which the gallant Admiral had touched upon was that of a bounty to sailors, and

he was glad to hear from the Secretary of the Admiralty (Lord Clarence Paget) that, in his opinion, the system of bounty was a very unwholesome system. He (Mr. Bentinck) had always been of that opinion, but it appeared to him to be a matter of regret that a system once established had not been continued by the Admiralty until the number required for the naval service had been completed. He, therefore, considered that the discontinuance of that bounty was premature until the requisite number of men was obtained. His (Mr. Bentinck's) principal object in rising was to say a word or two about the Coastguard, and although his gallant Friend near him (Admiral Walcott) anticipated that as they had adopted the principle of free trade there was no necessity for a Coastguard, he would admit that if they really had free trade in operation there ought to be no Coastguard, but if his gallant Friend wished to see that he feared that he would have to wait for some time. As to the services of the Coastguard, a return had that day been sent to him by an officer commanding that body, and from that he found that they had performed services to an extent that few were aware of. The amount of property saved by the Coastguard of Great Britain in the year 1859 was £791,000, while by the energies of the same body of men in the same period they had saved 1,243 lives. Surely, then, the utility of that force ought not to be estimated only by the services which it rendered to the revenue, or by the addition which it made to the defences of our coast, and such being the case he hoped it would be brought up to the proper standard as early as possible. His noble Friend had stated that it now numbered 6,862 efficient men—a statement which he (Mr. Bentinck) had heard with pleasure and surprise; for a noble Lord in "another place" had said a short time ago that it was composed of only 3,200 really efficient seamen. The gallant Admiral (Sir Charles Napier) in speaking of the improvidence of seamen, had said that when going to sea they had thrown their money overboard; and he (Mr. Bentinck) could not help thinking that if they had seats in this House those gentlemen would be found steady supporters of the financial policy of Her Majesty's Government. He could not understand what advantage there was in making use of ricketty old ships that were not fit to go from one port to another in bad weather, instead of good, seaworthy vessels. The question of manning the navy lay in a nutshell. The merchant service showed no difficulty in obtaining good men, because they paid the market price for them, and the Admrialty could get them, too, if they only pursued the same course. It was a simple question of pounds, shillings, and pence, and it was to him a matter of regret that while millions were wasted in various ways, the Government should pursue an unwise parsimony with regard to manning the navy.

Mr. W. WILLIAMS said, they had held out every inducement to obtain men from the merchant-service; but it had proved a total failure, and for that there must be some important cause. The hon. Gentleman who had just spoken, seemed to think it was because the Government did not offer the seamen the market price for their services; but, taking all things into consideration, there could be no doubt that the Royal Navy offered the sailor more advantages than the mercantile marine. Men, however, would not enter the navy, notwithstanding the high wages which were offered to them, and he had communications from all parts of the country stating that the cause of this was that men would not enter the navy on account of the flogging. As it was, with every inducement offered, not one thousand men could be found to enter the navy; and he (Mr. Williams) believed the cause of all that was because they disliked the flogging. He saw within the last two days, in an American paper, that a motion had been made in the House of Representatives for a return of the different modes of punishment adopted in the navy of the United States, instead of flogging, where it had been found impossible to obtain seamen, so long as a system of flogging prevailed; but as soon as it was abolished, some years since, men enlisted willingly. Of the 10,000 seamen obtained by us during the last year, by means of the £10 bounty, only 1,400 belonged to the mercantile service. He repeated there must be some cause for this reluctance on the part of the merchant seamen to enter the Royal Navy. They were most probably disgusted at that system of flogging which still continued in the Royal Navy, and was a disgrace to the country. There was no such thing in the American navy; and that was the only country in the world whose navy we did not look in the face with a hostile feeling. Flogging had ceased in the American service; and if it were put an end to in our own

service, the effect would be as beneficial as in the American service. If they were not satisfied that he was right, they ought to inquire and ascertain what was the real cause.

LORD LOVAINE said, he was rather astonished at the statement of the hon. Member for Lambeth, that the Admiralty had never attempted to discover the real cause of the difficulty experienced in getting men for the navy. Within his recollection there had been three separate Commissions for that very purpose. The £10 bounty had not failed, as it had enabled them to man a larger fleet than we had had for the last thirty years. He had never heard of a single protest from seamen against flogging on board ship. It was very rarely, indeed, that men were flogged in the navy. The hon. Gentleman forgot what was due to an honourable service, when he talked of brutal punishments being administered in the navy under the eyes of naval officers. On the part of a class who were distinguished for their humanity and kindness, he protested against the implied censure cast upon them. The hon. Gentleman wondered how it happened that the Naval Reserve was not rapidly filled up with able seamen; but the truth was that able seamen did not exist. He found, from the evidence given before a Committee sitting up-stairs, that in the great mercantile City of London it was becoming more difficult every year to obtain able seamen. The introduction of steam into the mercantile navy, had to a great extent dispensed with the services of able seamen; and that was the reason why the Royal Navy found it so difficult in these days to obtain able seamen from the mercantile service. The men on board steamships could not be called able seamen. They might be made so; but they were not able seamen when they went on board Her Majesty's ships. He believed that the only plan which offered the slightest chance of success was to retain a proper reserve, and to train boys from childhood for the service in school ships. With respect to the suggestion as to the pay given to seamen in the Royal Navy, it should not be forgotten that, to whatever amount the Admiralty raised their pay, the owners of merchant ships were sure to raise the pay of their men to the same amount. Many men, no doubt, had been deterred from entering, by having read in their youth unfounded statements as to the cruel treatment of men on board ship; but he was surprised to hear the hon. Member for Lambeth repeat such boys' tales.

MR. WHITBREAD said, it was not the fact that men were not entering the navy, because they were entering in great numbers. The entry of ordinary seamen was stopped about a month ago. They were only entering able seamen, except in the case of a few ordinary seamen in whom the officers had confidence. There was considerable difference of opinion among the Commissioners on Manning the Navy, whether the abolition of the lash would be popular among the able and well-conducted men, and there was a great deal of reason to believe that the discipline of the service was not at all too severe for ill-behaved and skulking fellows, who would throw additional work if they could on their better-conducted shipmates. As to the Coastguard, the capacity of the men to man the fleet in time of emergency was not to be measured by their numbers. They were the pick of the men, and by a mere proportion being put on board a man-of-war, the rest of the crew could be easily organized and brought into order. The wisdom and forethought of the Commissioners in recommending a reserve had been proved by the difficulty experienced in providing it suddenly. It required time to bring together a proper reserve. The public had seen the difficulty, but were determined that it should be overcome. He hoped that the gallant Admiral would not trouble the House to divide, as the figures in his Motion were inaccurate. When he said that the Naval Coast Volunteers were "not to be depended upon," he was not borne out by the language of the Commissioners' Report. What they said was that the country could not place reliance on men who could not be taken more than 100 leagues from the coast, which was very different from the offensive phrase of the gallant Admiral.

SIR CHARLES NAPIER replied. He thought that the Report of the Manning Commission did justify the terms of his Motion as to the Coastguard. With reference to the observation of the Secretary to the Admiralty, that his constant complaints about the management of the navy had produced great discontent amongst seamen, he might retort that he had never made an unfounded charge like that made by the noble Lord against the management of the navy—namely, that within a few years there was an apparent defalcation of £5,000,000. The Surveyor of the Navy had satisfactorily explained what was done

with that money. There had been five mutinies in the fleet since the noble Lord became Secretary to the Admiralty. Having shown to the House how very far the Admiralty were from having carried into effect the recommendations of the Manning Commission with respect to the Naval Reserve, he thought he had discharged his duty, and would not press his Motion.

Motion, by leave, *withdrawn*.

BERWICK-UPON-TWEED ELECTION.

ADDRESS MOVED.

Mr. PEEL said, he rose to propose the Address of which he had given notice for the appointment of a Commission to inquire into the manner in which the last election for Berwick had been conducted. A Committee of that House had unanimously reported their opinion that bribery extensively prevailed at that election for Berwick, and there existed an Act of Parliament authorizing an Address to the Throne upon such a Report. He was informed that his Motion, contrary to his anticipation, would be opposed, and he wished therefore to state that he had no party object of any sort to serve, but that he simply took the course he was pursuing for the purpose of discharging the duty which devolved upon him in consequence of having been the Chairman of the Berwick Election Committee, and on account of the nature of the evidence which was given before that Committee. The election which they had inquired into took place in the month of August last, a vacancy having been caused by the retirement of one of the two hon. Members who had been chosen at the previous general election. Two gentlemen appeared as competitors for the vacant seat; one, Mr. Hodgson, the petitioner before the Committee; and the other, the hon. Member for Berwick (Mr. Marjoribanks), who was defending his seat. The inquiry before the Committee took the form of a scrutiny, and he would state to the House without exaggeration the effect of that scrutiny. Evidence from both sides was before them. And, first, with regard to the seat of the hon. Member, Mr. Hodgson did not succeed in showing that any of the votes which had been given for the hon. Member had been given upon any corrupt consideration; but he did succeed in showing that two of these votes were the votes of persons who had offered bribes, and those votes were therefore struck off by the Committee. He (Mr. Peel) did not mean to say that these were the only acts of bribery committed on the side of the hon. Member at that election; but he felt bound, in justice to the hon. Member, to state that the cases which were proved before the Committee appeared to stand very much by themselves, and did not seem to form part of any systematic or organized plan of bribery in the town; and if the petition had been of the usual character—a petition simply to obtain the avoidance of the election and unseat the sitting Member—he did not think that the evidence given for that purpose would have warranted the Committee in coming to the conclusion that bribery had extensively prevailed at that election. But the inquiry before the Committee was a scrutiny, and the charges which were made against the hon. Member for Berwick were met by him with counter-charges against the petitioner, and the effect of those counter-charges upon the poll of Mr. Hodgson was this. The votes objected to by the hon. Member were distributed into two classes. One class comprised the cases of persons who had received money; the other the cases in which money had been offered; and it was not permitted to the hon. Member to go from one class to the other. He was required, when he entered into one class, to exhaust that class before proceeding to the other; and, at the time when Mr. Hodgson desisted from the inquiry and resolved to abandon the further prosecution of his petition, the class of cases in which money was said to have been received was still under consideration, and had not been exhausted; while the other and more important class of cases in which money had been offered was not open, or under the consideration of the Committee at all. The inquiry, therefore, was altogether of an incomplete character. The hon. Member for Berwick nevertheless succeeded in proving to the satisfaction of the Committee that four of the votes polled for Mr. Hodgson had been given for money bribes, and he (Mr. Peel) believed it was the nature of the circumstances of three of these cases which caused the Committee to be of opinion that bribery had prevailed in the borough. For, in what manner had the persons been bribed whose votes had been struck off? They appeared to have gone into a house at Berwick, where they found an individual alone, whom they all recognized as Wm. M'Gall, and he appeared to have given to each of them different sums

of money, with directions to go and poll. Other evidence was given which showed that a number of other voters had been directed to the same quarter, and introduced in the same way. There was reason, therefore, for the Committee to conclude that they also must have been bribed. The question, then, for the House to consider was—whether or not they would carry the inquiry further. He had already observed that the inquiry was incomplete; and that it had not entered at all into the cases on the side of Mr. Hodgson in which persons were charged with having offered bribes. It was an inquiry which was carried so far as, and no further than, it would serve the ends of the petitioner or the hon. Member in establishing the right of the latter to the seat. The question of bribery as affecting the character of the borough itself was hardly under consideration; and it was upon the character of the borough that, in his opinion, it was necessary some additional light should be thrown. The House was very well aware, in a general way, that the borough of Berwick had acquired some notoriety for corruption, and, as Chairman of the Committee, he felt bound to bear testimony to the fact that many of the voters who came before the Committee—not merely freemen, but some of the £10 householders—did appear to have an impression that a vote was something out of which they themselves were entitled to make something; that it was something which they had to give away; and that when they gave a favour they were entitled to receive a favour in return. He felt assured, therefore, that the House would not object to the adoption of any course which might tend to the uprooting of habits of corruption which were apparently so firmly established. A Committee of that House, however, would never accomplish that object. It was not the first time on which a Committee of the House of Commons had sat upon the subject of bribery and corruption at Berwick. He believed that Mr. Hodgson himself was a petitioner some years ago, and succeeded in unseating two Members for the borough for bribery and treating. He trusted, therefore, that the House would consent to an Address for the issue of a Commission. He was aware that the seats for Berwick were filled at that moment, and consequently it might not be open to the House to follow up any results from the Commission by depriving the town of its representation in the House of Commons; but it would be of great service if, through the medium of a Commission, the extent to which corruption had prevailed at the last election amongst the voters, and especially the freemen at Berwick, were brought to light. It would also be of great service, if it could be ascertained who were the persons who supplied the money by which they were bribed, and if it were proved that they were persons resident in the town, and the House should afterwards think proper to prosecute them, more would have been done in that way to prevent the repetition of corrupt practices than could be effected by any other means. The only objection to the Motion that occurred to his mind was the expense which attended the issue of a Commission. But the constituency of Berwick was not large. The case did not appear to be at all intricate or involved, and he did not anticipate that the inquiry would occupy many days, or that the expense would be very considerable. He should have been glad had he been able to give timely notice to the House of the gentlemen whose names he proposed to insert in the Address as Commissioners. But he had thought it best to consult the Attorney General upon the subject, and the hon. and learned Gentleman had it not in his power to acquaint him with the names he had selected until this evening. The names which the hon. and learned Gentleman had selected, and which he (Mr. Peel) now proposed on his authority, were James Vaughan, Esq., Thomas Irwin Barstow, Esq., and Franklin Lushington, Esq. The hon. Gentleman then concluded by moving that an humble Address be presented to Her Majesty as followeth:—

"Most Gracious Sovereign,—We your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, beg leave humbly to represent to your Majesty that a Select Committee of the House of Commons, appointed to try a Petition complaining of an undue Election and Return for the Town of Berwick-upon-Tweed, have reported to the House that there is reason to believe that bribery extensively prevailed at the last Election for the Town of Berwick-upon-Tweed. We, therefore, humbly pray your Majesty that your Majesty will be graciously pleased to cause inquiry to be made, pursuant to the provisions of the Act of Parliament, passed in the 16th year of the reign of your Majesty, intituled 'An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament,' by the appointment of James Vaughan, Esq., Thomas Irwin Barstow, Esq., and Franklin Lushington, Esq., as Commissioners for the purpose of making inquiry into the existence of such bribery."

Mr. Peel

That the said Address be communicated to the Lords at a Conference, and their concurrence desired thereto. That a Conference be desired with the Lords upon the subject matter of an Address to be presented to Her Majesty, under the provisions of the Act of the 16th of Her present Majesty, c. 57, and that the Clerk do go to the Lords, and desire the said Conference.

MR. HODGKINSON seconded the Motion.

MR. MARJORIBANKS said, that being unused to address the House, he did not rise for the purpose of making a speech, but simply with the view of vindicating his own honour and that of his supporters in the borough of Berwick, to which he felt that justice had not been done by the Report of the Committee. What had fallen from the right hon. Gentleman who had just spoken fortunately rendered it unnecessary for him to make more than a few observations, and he should preface his remarks by stating that he should have deemed it his duty to call attention to the subject under the notice of the House himself had he not been assured that it was contemplated, on the part of the Committee, that some further steps in the matter should be taken. When he had first gone to Berwick, in the spring of 1853, he found that a great number of the respectable inhabitants of that borough were disgusted with the practices which had prevailed at former elections, and had determined to give their support to no candidate who would not pledge himself to seek the suffrage of the electors by fair means, and by fair means only. That determination on the part of the gentlemen to whom he alluded was so completely in accordance with his own feelings that he had unhesitatingly given the required pledges. Not only privately, but publicly on the hustings, he declared that he never would spend a single sixpence upon a vote—not even if it were to save his election. He might add that since 1853 he had stood no less than four contested elections, the first of which had taken place previous to the passing of the Corrupt Practices Prevention Act, when the employment of colours and bands was legal, as well as the custom of chairing. That first contest had, therefore, cost him £714; but the last three, which were among the most severe on record, had cost him only the sums of £475, £448, and £432 respectively. He could say with the greatest truth that he had faithfully kept the pledge which he gave on his first appearance as a candidate at Berwick, and he might add that he had never been asked to infringe it. What was as much, perhaps, to the purpose, he could state that although he might at any of those elections have secured fifty or sixty additional votes by an illegitimate expenditure of money, he felt sure that if he had done so, in the succeeding election he should have lost more than a corresponding proportion of his respectable supporters. For the last year Berwick, politically speaking, had been sorely tried; and he doubted whether, under similar circumstances, any borough in England would come better out of the ordeal. He thought Berwick had been harshly used—though not by the Motion of the right hon. Gentleman; that was the natural consequence of the Report of the Committee, and if the Motion went to a division he should feel bound to give the right hon. Gentleman his support. He felt that neither himself nor his constituents had the slightest reason to shrink from the most searching inquiry

MR. MACAULAY said, though nothing could be more fair or candid than the manner in which the Motion was brought forward, he thought there were hardly grounds sufficient to justify the House in voting an Address to the Crown for a Commission of inquiry. There were six other occasions on which Addresses of that description had been presented to the Crown since the passing of the Act, but they had all been presented for reasons which did not exist in the present instance. In 1853 Addresses were carried and Commissions were issued in the cases of Cambridge, Canterbury, Hull, and Barnstaple, but in all those cases election petitions had been presented for the purpose of unseating the sitting Members, on the ground that their returns had been vitiated by corrupt practices, and all that it was necessary to prove was that such practices had taken place through the agency of those Members. The consequence was that the inquiry before the Committee was limited to proving the existence of the *minimum* of bribery necessary to affect the seat, while at the same time incidental evidence was produced, which fairly gave rise to suspicions that corruption upon a much larger scale had been actually practised, and the House had very properly decided that Committees should be appointed for the purpose of ascertaining how far those suspicions were well founded. The result in each case justified the petition. Bribery, in the words of

the Act of Parliament, had been extensively practised. But this was a wholly different case. The election took place upon a casual vacancy, during the sitting of Parliament, the hon. Gentleman was returned by a small majority, his opponent petitioned against him, and was unsuccessful. It was true that the Committee found that bribery had been practised on the side of the petitioner, but they also found that it had been practised without his cognizance; and there was the strongest reason to suppose that he must have thought when he demanded a scrutiny that no practices had taken place which could affect him or his agents. The right hon. Gentleman said that the inquiry into the evidence offered to the Committee was incomplete. The incompleteness was this,—a certain list of charges, as speculative, probably, as such documents usually were, was not investigated. On that the right hon. Gentleman asked the House to put the public to the expense of inquiring into the culpability of the persons on that list. It might be a very natural curiosity on the part of the right hon. Gentleman to know whether the charges of the list were true or not; but that was not sufficient reason for issuing a Royal Commission. A certain number of voters were proved to have received money through Mr. M'Gall; but the Committee found no evidence showing that M'Gall was an agent of either party. It might be very satisfactory to learn who supplied the money. But the only witness who could say that was the man accused of the malpractice, thus the mouth of the chief witness was effectually stopped. It appeared to him, on the statement of the right hon. Gentleman himself, that there was no sufficient foundation for voting an Address to the Crown. To justify such an Address there should be a distinct judicial finding by the Committee that bribery had been "extensively practised." This must mean something different from the bribery of two or three persons. The Act of Parliament did not intend that a Commission should be issued on any degree of surmise by any Member of the Committee, but only on a distinct finding that there had been extensive corruption.

LORD ROBERT CECIL said, he believed his hon. and learned Friend had fallen into some mistakes with respect to the supposed corruption in the case. His hon. and learned Friend stated that the Committee were satisfied that there was no agency which could connect the petitioner with the corruption which had been practised upon his side. But the fact was, that no evidence one way or the other had been offered to the Committee upon that point, and they could not, of course, undertake to pronounce any absolute decision with respect to it. The Committee left, in short, the matter in the uncertainty in which it found it. The ground for believing that extensive corruption was practised in Berwick was, not only the fact that some three or four voters had been bribed, but the existence of the machinery for corruption. M'Gall was traced to different public-houses, well-known agents were traced to him during the election; large crowds gathered at the stairs of the room in which he sat; and there was what was popularly called a "man in the moon." These were the grounds for believing that there had been bribery on the side of the petitioner, though, like the Committee, he forbore from expressing any opinion on the matter. But bribery had also been established on the side of the sitting Member; two cases had been distinctly proved to the satisfaction of the Committee, and anybody who read the evidence must be satisfied that there was a third case, of the gravest doubt. A person who had been very active on the part of the sitting Member, and who was the owner of a public-house in which these proceedings had been carried on, was convicted of bribery by the Committee. It was true that these were individual cases, but, according to all experience, it was exceedingly unlikely that these men had not bribed to a greater extent. He therefore was disposed to agree with the right hon. Gentleman that bribery had extensively prevailed at Berwick-upon-Tweed, and that inquiry would be perfectly justifiable; but the experience which he had of the Gloucester Committee, upon which he had acted last year—he was fortunate in such matters—was precisely what rendered him very much disinclined to the passing of the Motion. He was not merely influenced by the consideration of expense, which, though by no means large, was such as he ventured to say the Chancellor of the Exchequer, if he were now in his place, would feel it his duty to call attention to; but he felt that these Commissions of Inquiry were an absolute delusion and a sham. A great paraphernalia was employed, Commissioners was sent out, an act of indemnity was passed, witnesses were examined, and the evidence of corruption was published at considerable expense—corruption of the

grossest kind was brought home to a borough, and then the House stayed its hand. This had been done at least ten times, and the utmost punishment inflicted was the withholding of the writ for a few months. The same course would, doubtless, be followed in the case of Wakefield and Gloucester. The House was bound to act on one of two principles. Of late a good deal had been said about the influence of wealth counteracting the effects of a reduced suffrage. If wealth were to be adopted as a constitutional safeguard, they had nothing to do but to smooth over the sore which they were content to endure; but if they were determined on eradicating bribery from the electoral system, more active measures must be adopted. He had already expressed his opinion that by lowering the suffrage so as to admit persons whose means rendered the sale of their vote a matter of serious importance to them, it was in vain—constituted as human nature was—to expect that such men would not receive a bribe. In order—he would not say wholly to eradicate, but to lessen bribery—the offending boroughs must be punished; if bribery once became confirmed in a place, it was like gangrene, and could only be cured by cutting off the whole limb. The evil effected by the purchase of twenty freemen's votes in a borough was not confined to a single election, but the neighbours of these men, seeing that the others had their rent so easily paid, became desirous of disposing of their own votes to equal advantage; and, finally, they came to regard as a right what at first was a matter of barter. When corruption had thus settled in a borough, it was like the malaria and became endemic; and a cure was not to be effected without suspending the writ until a generation had passed away. The equivocal course pursued with respect to these Commissions of Inquiry reflected no credit on the country. We prided ourselves much on the purity of our institutions and of our public men, and we were apt to declare that no such things could take place in our country as happened abroad. But what view did foreigners take? If we were to say that our Chancellors of the Exchequer were better than the Austrian Ministers, and that they had never been discovered in peculations of the public money, an Austrian would laugh at us, and reply that, although they might occasionally buy an official, they never bought a whole population. The House, by merely inquiring into these transactions and bringing them to light, was but disgracing the country in the eyes of foreigners. It must either resolve that these Commissions should be followed by some energetic and active measure for the suppression of bribery in the places where it was proved to have taken place, or it must entirely abandon this expensive and useless sham.

MR. EDWIN JAMES said, that his first impression, upon rather curiously reading the evidence before the Berwick Committee was, that there had been substantially no case made out for the issuing of a Commission; but the noble Lord the Member for Stamford (Lord R. Cecil) must have satisfied every Member of the House that the case before it was pre-eminently one in which a Commission ought to be issued. Only four cases of bribery appeared to have been proved before the Committee, and it could hardly be said, *à priori*, that that was a sufficient ground; but the noble Lord appeared to have fully satisfied himself that the borough was highly corrupt, and certainly made out a much stronger argument for the Motion than the right hon. Gentleman who proposed it. He had felt much disinclined to support the issuing of a Commission, because, as the hon. Member for Cambridge observed, nothing seemed to result from that course. In every case in which a Commission had been issued, the Government had abstained from pledging itself to take any further action after the expenditure had been made. In moving for the appointment of the Gloucester Commission, he had stated that the Government, in his opinion, were bound to say that in the event of that Commission reporting that corrupt practices prevailed at Gloucester, they would take some action upon it; and the hon. Member for Nottingham had expressed the same opinion. It was true that the writ was suspended in that and other cases; but in the case before the House the seats were full, and he considered it to be the duty of the Government to tell the House and the country, that, in the event of the Commission issuing a Report that corrupt practices had prevailed, ulterior steps should be taken, and that they would propose the disfranchisement of the borough. Before voting for the Commission he should expect to have an answer to that effect from the Government. No doubt bribery had prevailed at Berwick, although, as he had said, the case in the Report was but slight, and not so conclu-

sive as the statement of the noble Member for Stamford, which must satisfy the House that there had been extensive bribery of various kinds—gifts of money, which he would call pecuniary bribery; and gifts of drink, which he might call gastric bribery. But as he had said, unless the House took some security, that the Government would take active steps against the borough in case the Commission found that bribery prevailed there, it would leave the country to infer that its efforts to put down bribery were a mere mockery, and that those Commissions were so many proofs of the impotency of Parliament to contend with this wide-spread evil.

MR. LONGFIELD said, he hoped the House would not be induced to sanction the issuing of this Commission. There could be no doubt that bribery extensively prevailed at Berwick. That was satisfactorily proved enough already by the statement of the noble Lord (Lord R. Cecil) without a Commission. Enough money had been uselessly spent on these Commissions already, without going to further expense merely to produce another voluminous blue-book, and to add another to the list of boroughs convicted of corruption. No good whatever had hitherto been done by these Commissions. They merely proved what everybody knew perfectly well before; and he should, therefore, oppose following the same fruitless course in this instance.

MR. COLLIER said, it was very inconvenient for the House to review the opinions of Election Committees. The Berwick Committee had reported that systematic and extensive bribery prevailed, and the evidence supported that charge. The chairman of the Committee (Mr. Peel), recommended the issuing of a Commission. On the other hand he thought the premisses and the conclusion of the noble Lord the Member for Stamford totally irreconcilable. Because Parliament had not gone as far as he wished in the way of putting down bribery he would have them retrace their steps altogether. There was much wisdom in the suggestion of the hon. Member for Birmingham, that in regard to any place reported upon by Commissions as guilty of bribery, the writ should be suspended for eight or ten years. That proposal was worth consideration. But, because this had not been done, must the House shut its eyes to the corruption that was going on? He apprehended that the mere exposure of these crimes was in itself an advantage. There was a Committee then sitting for the purpose of considering the most efficient manner for putting an end to corrupt practices, and the most important information which it had received had been derived from the Reports of these very Commissions which were set at nought, and from the Commissioners themselves, and without which they would have had much difficulty in arriving at the conclusion to which they had come. He thought it would be a strange thing for the House to refuse to issue the Commission asked for. If it should be refused in this case he did not see how there could ever be another Commission issued.

MR. MONTAGUE SMITH said, the case before the House was a very exceptional one. The Committee had not reported the existence of systematic and notorious bribery at Berwick. It should be remembered also that in this case the hon. Member for that borough had been seated by the decision of the Election Committee, but if this Commission were issued, their decision might be found at variance with the Report of the Commissioners, who might find that he was not entitled to his seat. This was an inconvenience which the House ought not to lose sight of. But what advantage was derived from the appointment of these Commissions? What had been done in connection with their Reports which would prevent bribery? Why, the offenders were always indemnified, and thus escaped punishment. The Committee on Corrupt Practices, who were just going to make their Report, could not expect any information from a Commission which would not conclude its inquiry for some months to come. The House had now before it the evidence on which the Committee decided, and it appeared that the evidence was very slight. The case, therefore, did not seem to warrant the appointment of a Commission, and seeing that the Committee on Corrupt Practices might possibly recommend the discontinuance of these Commissions, he thought it a very inopportune time to bring forward the present Motion. He was quite sure that the country looked upon the appointment of these Commissions as a farce, and did not believe the House of Commons to be sincere in its wish to crush bribery at elections. The country thought that hon. Members satisfied their own consciences by the appointment of Commissions whose Reports were placed upon the table and nothing was done upon them. Believing

that this would merely add another to the abortive inquiries which had before been made, and that no real cure would be thereby provided for an admitted evil, he should oppose the Motion.

MR. BRIGHT said, he thought, if the House were to follow the advice of the hon. and learned Gentleman, the Member for Cambridge (Mr. K. Macaulay) and the hon. and learned Gentleman who had spoken last, the Member for Truro, it would be in a much worse position than if the Corrupt Practices Act had never passed, because, before that Act passed, the House had its ordinary power of addressing the Crown, and of obtaining the appointment of a Commission. But since that Act passed, this power, he presumed, was no longer at their disposal, unless in such a case as that now before them, when an Election Committee had reported that corrupt practices had extensively prevailed. He had a particular interest in this matter, because he presented a petition last year from almost the whole of the Corporation of Norwich, asking the House to agree to an inquiry into the corruption alleged to have prevailed in that borough. Owing to the lapse of time, however, and owing to the fact that the Committee did not make such a Report because the moment the case was proved the parties withdrew, he was unable to obtain his Motion. After the passing of the Corrupt Practices Act of 1854 the usual plan was to send a case to a Committee who obtained not only a knowledge of the evidence, but the character of the witnesses and the manner and tone of their evidence, which was a material point for consideration. In the case before the House the Committee had examined fairly into the matter, and the House not only had the Report of the Committee, but the Members of it, not three of them as against two, or four against one, but the whole five members, agreeing to this Report. Well, then, he did not think the House was at liberty, consistently with its usual course, to say the evidence on which the Report was founded was slight—that there were only four, six, or ten cases of bribery proved. He had much rather act upon the opinions of the right hon. Gentleman and his colleagues, who composed the Committee, than of the hon. and learned Member for Cambridge, who confessed to not having read the evidence at all. Two or three hon. Gentlemen on the other side of the House, who were not great economists upon ordinary occasions, had protested against the issue of a Commission upon the ground of expense. He was in favour of economy, and would consent to a limitation in the number of Commissions, or anything that would promote that object. But the main objection to those Commissions was that their results were *nil*. The noble Lord had made an attack upon the corruption of the poorer voters, but perhaps he was not aware that a schedule attached to the Report of the Gloucester Commissioners showed that a great number of voters who were bribed lived in houses rented at from £20 to £30 a year. Every one knew that corruption in one shape or other attacked people who were not in the poorest circumstances. The bribe might not be in the shape of a direct gift of money, but in the form of something equally potent. But reverting to the argument that the result of those Commissions were *nil* he was of opinion, with regard to Gloucester and Wakefield, great good had been done by them. He knew this more particularly with regard to Wakefield, because he often went there to spend a day or two, and he was acquainted with many persons in that town. At that moment, there was, on the part of a great portion of what might be called the respectable and influential members of the constituency, great sorrow and great shame at the vicious mode in which their elections had been conducted, and at the exposures they had undergone. That he conceived to be a certain advantage, and he was satisfied with regard to both these boroughs there would, for a long time to come, be a very great improvement in the manner in which they conducted elections. When the questions of Gloucester and Wakefield were before the House, he suggested that it would be advantageous to suspend the issue of the writs until either the leprosy of corruption died out or the pure part of the constituency had become so much more powerful that corruption was not likely again to be practised. The right hon. Baronet the Member for Morpeth (Sir G. Grey) rather agreed with that suggestion; but he thought as a Bill was then before the House for greatly extending the constituencies it was not a time for giving effect to it. But with regard to Berwick it was said that both the Members were now sitting. That, however, was no reason why the inquiry should not refer to the electors. The Member for St. Albans sat and voted when there was no constituency

because the Act had passed cutting off the representation of that borough. As to Berwick if the Commission issued, if the gross cases were brought out which the hon. and learned Member for Truro said would be brought out. [Mr. M. SMITH: No, no!] He (Mr. Bright) heard the hon. and learned Member say, that if it brought out all the evidence of gross corruption, the result would be the same.

MR. MONTAGUE SMITH explained that he had said, that although whatever bribery did take place would be brought out, yet the persons who had been guilty of bribery would be indemnified and thus escape punishment.

MR. BRIGHT: No doubt indemnities would be given, but what was wanted was information; and when that had been obtained it would be competent for any Member to introduce a Bill for the purpose of taking from the borough one Member if it was not wished wholly to disfranchise it. There were many towns, such as Dundee, Aberdeen, and Salford, asking for an additional Member; and one Member might be transferred from Berwick to one of those towns. He knew something of Berwick himself. Many years ago he was there, attending a meeting in favour of free trade, and he took the opportunity of giving a serious lecture to the electors upon the question of bribery, because it was then notoriously one of the most corrupt boroughs in the kingdom. He had also been told that upon one occasion all the ministers of religion—Churchmen and Dissenters alike—took an opportunity of preaching sermons in condemnation of the bribery that always prevailed. He never heard that either his speech or their sermons had been effectual in curing the evil or even produced any great result. He was, therefore, of opinion that when they had found a borough notoriously so corrupt, condemned unanimously by a Parliamentary Committee, when his hon. Friend the Member for the borough himself actually wished the Commission should issue, and when what he might call the least corrupt portion of the constituency were also anxious for it, the House of Commons would commit an act more perverse, he was going to say, than any he had ever known it to commit, if it were to refuse to agree to the Motion now before it. The more the evil was probed, the more the foul cancer was exposed to the public eye, the more chance there was that some day the remedy would be applied—if remedy there was to that deep stain upon the character of our representative system.

MR. MALINS observed, that in the present state of the public finances, the House ought to be sure that some practical result would be gained before it agreed to the expense of another Commission. The expense of the Gloucester Commission was £1,924, and of Wakefield £1,423; and those sums did not include the cost of printing the Reports. The hon. and learned Member for Marylebone (Mr. James) had said that he would only consent to the issuing of a Commission for Berwick upon the Government pledging itself to take some decided steps afterwards. But why was Berwick, if found guilty, to be more severely dealt with than Gloucester or Wakefield? At the latter place it was shown that an hon. Gentleman now in the House, and well known to the hon. Member for Birmingham, had communicated to a relative his intention to sell £4,000 of railway stock, the produce of which was placed in that relative's hands, and the whole was spent in bribing the electors of Wakefield; but no measure had been suggested to be taken against that hon. Gentleman. In the case of Berwick, the only ground for a Commission was, that a Mr. M'Gall had been seen to go into a dark room, whither he was followed by certain electors, who were supposed to come out of it with something in their pockets; but was there not a M'Gall in every borough in the kingdom? ["No."] Did not every hon. Member know that in every borough containing 500 electors there were forty or fifty who always held back until the last? ["No."] He would like to know the happy place represented by the hon. Member who cried "No." Was it Birmingham? [Mr. BRIGHT: Yes.] He was surprised to hear the hon. Member make such a declaration. One of the hon. Gentleman's reasons for the issuing of a Commission was, that he had made a speech to the electors of Berwick against bribery, and it had produced no effect. That was not an unusual consequence of the hon. Gentleman's speeches. The best friend the Conservatives ever had was to be found in the hon. Member for Birmingham, for his extreme views always alarmed, instead of convincing, his hearers. But he wanted to know what was to be the practical result of the proposed Commission. Would it be only another blue-book? Assuming it would be proved that a certain number of voters had received bribes, what would the House do with them? But if

they had received bribes there must have been persons who bribed them, and what did the House propose to do with them? Practically, the House had had some satisfaction in the cases of Gloucester and Wakefield, because the writs had been suspended; but in the case of Berwick the seats were full. He did not question the right of Parliament to disfranchise Berwick if guilty; but why was Berwick, if guilty, to be treated with greater severity than Hull, Gloucester, and Wakefield had been? Wakefield had 1,100 voters, and 184, or one-sixth, were proved to have been bribed. Disfranchisement would therefore punish the five-sixths for the misconduct of the one-sixth. He thought that if the one-sixth were punished by having their franchise taken from them, some justice and a great deal of good would result. If it were provided that any one who bribed, or received a bribe, should be for ever after prevented from voting at an election or sitting in that House, a practical result would be arrived at. But supposing the Commission to be appointed, and supposing it to come to a different conclusion to that arrived at by the Committee, they would have two competent authorities clashing with each other. In what position, then, would the matter be? He had come to the conclusion on all these grounds that the House should refuse the Motion, and he hoped they would agree in that opinion.

THE ATTORNEY GENERAL said, although he was unwilling to take any great part in the discussion, because it might ultimately be part of his duty to determine on other proceedings, he could not refrain from expressing his hope—nay, his conviction—that the sense of duty which animated the House of Commons did not quite rest on ground so low as that on which the hon. and learned Member for Wallingford had placed it. The hon. and learned Gentleman told the House, whatever might be its feeling of obligation, to abstain from inquiry because inquiry was costly, and to lie under the reproach of doing nothing, because previous inquiries of the kind now proposed had led, as he thought, to no adequate result. He (the Attorney General) was not of that opinion; and he now felt it right that a pledge should be given to the House that, so far as the criminal jurisdiction of the country was concerned, those inquiries should not be without their result whenever a just and proper opportunity arose for putting the law in operation. There were two things to be done; one belonging to the House of Commons, the other to the humble individual who was addressing them, so long as he held his present office. It was for the House to determine, on the Reports of the Commissioners, whether they would issue the writs or not, or adopt any other legislative measure, like that suggested by the hon. and learned Member for Wallingford, of disfranchising the culpable individuals. It was for him (the Attorney General) to determine, on the evidence contained in those Reports, whether there was sufficient cause for prosecuting persons implicated in the transactions in question, and who were not protected by the statute. He had already given directions with respect to one of the cases that had been mentioned—nay, he should have done it some time before but that the state of assize business rendered it impossible to bring on the cases at the last assizes. Gentlemen were now busily employed, under his directions, in dissecting the evidence in the Wakefield case; and he gave a pledge to the House that every man, not protected by statute, with regard to whom there was reasonable ground for believing that a conviction might be obtained, should be brought to answer for his crime. It depended on the House and himself that everything likely to operate by way of warning and example should be done in these cases. Let not hon. Members, therefore, have recourse to the mockery of abusing an Act of Parliament; but let them address themselves, with a determined spirit, to do the duty which fell on them collectively, and see that the duty which devolved on individuals was performed, and then the statute would no longer be open to the taunt of being unproductive of results. One hon. and learned Member had said the evidence was very slight, and therefore he threw a degree of discredit on the Report of the Committee. By the Act of Parliament, where a Committee had reported in certain terms, there was an obligation—he did not mean to say a legal obligation, but an obligation, if that were possible, of a far higher character—imposed on the House collectively to act on the finding of that Report. The House had no right to question the materials on which the Committee had come to a Report. When the Report was in the language of the statute, as the one before the House was, the statute contemplated that the House would feel it to be its duty to act on that Report, and pointed out the course of proceeding to be adopted.

Would the House tell the world that they would disregard the law? It would be the fault of the House alone if they did not do their duty. The Act of Parliament was sufficient for its object, if the House was not wanting to that Act. He repeated the pledge he had given to the House, that so far as he was concerned his best efforts would be directed to carry the law into effect. He had no doubt that the House would find means to involve the guilty parties in an adequate punishment for their political offences, and he would take care to involve them in an adequate criminal punishment. It had been said that the Committee had not reported in the terms of the Act. That was not correct. The Committee had reported in the very words of the statute, which did not require the Committee to find as a fact that there had been extensive bribery, but allowed them to tell the House that there was reason to believe that there had been extensive bribery. The hon. and learned Member for Wallingford, however, had an arrow in his quiver, and that was the acknowledgment of the prevalence of bribery in the boroughs. His hon. and learned Friend made a confession to the House. He told them that he did not know a single borough in which there did not exist a little knot of voters who waited till the last hour, and then made their bargain. [Mr. MALINS: I did not say that anything of the kind occurred at Wallingford.] Nay, nay, it was the exception that proved the universality of the rule. But these things were unworthy of the great importance of the subject. If they wished to show their sincerity, if they wished to maintain their position, they ought not to cover themselves with reproach, not to tell the public that the Reports of their Election Committees were to remain dead-letters, but to enforce the law against every person who should be proved guilty of electoral impurity.

MR. HUNT said, he was delighted to hear that the hon. and learned Attorney General intended to use the sword of justice against guilty parties, and he hoped he would not raise it in vain, but he was afraid the hon. and learned Gentleman would find a great practical difficulty in his way. He had himself intended to move that the Attorney General should be directed to prosecute the persons who had conspired to corrupt the electors of Gloucester, but on turning to the Report of the Commissioners he found that every one of these persons had received a certificate of indemnity. Now, if a Commission should be issued in the case of Berwick, the first persons who would apply to be examined would be those whom the Attorney General would single out for prosecution, and when they had obtained certificates of indemnity from the Commissioners they might snap their fingers at the hon. and learned Gentleman and his indictment. He hoped, therefore, the House would pause before deciding that a Commission should be issued. Another question which ought to be considered was whether a certificate of indemnity protected the person holding it, not only against a legal prosecution by the Attorney General, but also against disfranchisement. If that were so the Act under which the Commissions issue ought to be amended. He thought that the expense of Commissions should be borne by the offending boroughs themselves, and not by the country at large.

MR. MELLOR said, he agreed with the hon. Gentleman that it would be a great improvement of the law if the expenses of the Commissions were borne by the places to which they were issued, and he trusted that Government would insert in the Act a provision to that effect. He trusted that the Commission would be issued in the present case, because the Commissioners would inquire into the circumstances, not only of the last election in Berwick, but also of the previous one. There were facts connected with that election, and with the compromise by which the seat was vacated, that were full of the gravest suspicion. As a Member of the Corrupt Practices Committee he could state that the Commissions of Gloucester and Wakefield were not without value from the publicity which the facts obtained, and though the indemnity was given to great extent in Gloucester the Wakefield Commissioners were much more chary in granting indemnities, notwithstanding which no prosecution had been instituted. Still he thought that the suspension of the writs would have a great effect. In places where there was proof that bribery prevailed one Member should be taken from the town, and the expense of the Commission should be charged upon it. The indemnity merely protected the voter from legal consequences, but did not give a pledge against his disfranchisement.

LORD LOVAINE said, that the fact was that some difficulty existed respecting the borough of Berwick. The first Reform Bill placed the borough in the county of Northumberland—he did not know why;

but the effect of its disfranchisement would be to make many of the delinquents county voters. This was not a question in which he felt greatly interested, and therefore he should leave the House of Commons to deal with it as they thought fit.

MR. LONG said, that as one of the Members of the Committee, he wished to say it was impossible for them not to have been unanimously of opinion that bribery had been committed at Berwick for a series of years. But what he would ask was the good of issuing Commissions if no results were to follow? He thought the best way was, to disfranchise boroughs which were corrupt. He could not see what possible good could result from a Commission. Commissions ended in nothing; they were a mere screen put up to hide the real culprits from the public; and they entailed considerable expense on the country. It had been proved before a Committee of the House that Norwich was rotten and corrupt, and yet the noble Lord the Member for the City of London, who professed to have a great horror of bribery, had included Norwich in his Bill for the enlargement of the borough and county constituencies. It was the Members of that House who were responsible for bribery at elections, and the punishment of bribery ought to fall upon the real culprits. It was all very well to punish poor voters who took a few pounds for their votes, but the remedy for the evil of bribery was to make it penal for educated and wealthy men to hold out the temptation. What a farce it would be to send down three grand inquisitors to try a few poor fishermen of Berwick, and let those who had bribed them escape. That indeed would be breaking a butterfly on a wheel. Why not break the hand that held the butterfly? He was sick of this hypocrisy, and so where the people of England. Unless Commissions were made much more drastic than they had yet been, they had better never be resorted to. He could not vote for this Commission. One of the witnesses examined before the Committee admitted that he had for years bribed for the Liberal party. That showed how real was the horror expressed on the Liberal side of the House against bribery. What would the House do when they got the Commission? Where they going to unseat the present Member? That would be an absurdity. Again they would have to exonerate those who gave evidence before the Commission. With a view of putting an end to bribery, he moved in the Berwick Election Committee a Resolution to the effect that the tribunal which was at present constituted for the trial of Corrupt Practices at elections was an inefficient and improperly constituted tribunal, and was not calculated to further the ends of justice.

SIR GEORGE GREY said, the hon. Gentleman had adverted to the case of Norwich, but the Norwich Committee did did not report, in the terms of the Act of Parliament, that in their belief bribery had extensively prevailed, and consequently there was no legal power to issue a Commission. That, no doubt, was the sole reason why a Commission was not issued in the case of Norwich. But after the speech the House had heard from the hon. Gentleman (Mr. Long), who thought that bribery was so extensive and notorious at Berwick that they ought to pass by the ordinary form of trial, and disfranchise the borough, he must say that, if the House refused to take steps for a further inquiry, they would do that which they had never yet done—namely, refuse to take the steps pointed out to check bribery in a case in which a Committee had unanimously declared that in its opinion there had been extensive bribery. He hoped the House would not afford the public out of doors an opportunity of saying that where a Committee had done its duty, as was evident from the speech just delivered by the hon. Gentleman, the House failed to take such steps as might ultimately lead to the disfranchisement of the borough in question, if that should appear to be its proper punishment.

MR. COLLINS said, the hon. and learned Member for Wallingford (Mr. Malins) had objected to the disfranchisement of a whole borough because some of the voters in it had been guilty of bribery; but when the case of Canterbury election was discussed by the House, that hon. and learned Gentleman objected to particular voters being stigmatized for bribery, and preferred the disfranchisement of Canterbury to such individual *stigmata*. He was sorry to find that the hon. and learned Gentleman, in changing his opinion, had changed for the worse. He (Mr. Collins) thought, however, that if Commissions for the purpose of inquiring into bribery were issued at all, the expenses should fall on the boroughs in which the inquiry took place.

MR. HARDY said, that although he was Chairman of the Gloucester Election

Committee, he had abstained from moving for the issuing of a Commission in that case, because he believed, as had, indeed, proved to be the case, that it would be perfectly valueless. Every person who had been guilty of the worst acts of bribery had been indemnified if he gave his evidence boldly before the Commission. The Attorney General had told the House that he was determined to carry out with vigour the duties of his office, but he would ask the hon. and learned Gentleman whether there was a single individual in Gloucester whom he could prosecute for bribery? Again, in the case of the Galway freemen, the House refused to disfranchise persons who had obtained certificates from the Commissioners. There was an hon. Member in that House who stated that he had been a party to the bribing of 250 of the electors of Galway; but his statement, instead of exciting indignation, was received with a shout of laughter, and he had not heard that it had at all affected the estimation in which that hon. Gentleman was held in the House. He was not singular in his opinion as to the valuelessness of these Commissions, for the hon. Member for Rochdale (Mr. Cobden), in an address to his constituents, stated that their only result was the production of immense blue-books, which not three persons would read, and that, as regarded the suppression of bribery, all such proceedings ended, and were intended to end, in nothing. What, then, would follow the issuing of a Commission in the case of Berwick? They had done nothing in the case of other Commissions, except St. Albans, which was a Commission under a special Act. It was admitted that they could not deprive the sitting Members for Berwick of their seats. They could not disfranchise the borough, because they had refused to do so in other cases of the very worst description. [Sir GEORGE GREY: Not refused.] The refusal consisted in not having done it. They had not dealt with Wakefield or Gloucester at all. In the Gloucester case the hon. Member who was returned tendered his evidence to the Committee which sat. When he was asked whether he knew where the money came from, he said he had no knowledge of it; but when the Commission sat again, he said he had been misreported, and that he said he had no knowledge of it at the time of the election. In the Wakefield case means for a prosecution might have been adopted long ago; but if prosecutions took place after a Commission, for the future Commissions would not obtain the facts. For if the Commission was issued, those persons who would give evidence before it having had warning from the Attorney General that they would be prosecuted if they gave their evidence truly, they would not give evidence truly, and thus the object of the Commission would be defeated. In short, if he thought that the issuing of this Commission would tend to put down bribery, he would freely vote for it; but as he believed that they could not deal with this borough differently from others, and that, therefore, the Commission would be attended with no result at all, he should vote against the Motion.

VISCOUNT PALMERSTON: I am willing to accept the footing upon which the hon. Gentleman who has just sat down has placed this question. He says that you ought not to deal with this borough in a manner different from that in which you have dealt with others that have been similarly reported upon. That is exactly what we wish to avoid. We wish the House to deal with this borough in the same manner in which it has dealt with others that have been similarly reported against. I believe that I am correct in saying that there has been no case in which a Committee has made such a Report upon a borough as has been made in this instance in which a Commission of Inquiry has not been issued. I really should hope that the House will not listen to the arguments of those who are opposing the Motion of my right hon. Friend. The only grounds upon which I have heard that Motion objected to are—first, that the House has not settled beforehand what it will do when it gets the Report of the Commission; and next, that we ought to be deterred from making the inquiry by the expense with which it will be attended. I must say that more flimsy arguments against that which I hold it to be the duty of the House to do I never heard advanced. Is it possible that the country will believe that the Members of this House are really averse to bribery at elections, that we are in earnest in wishing to put down corruption, if we refuse to do now, in regard to Berwick, that which has been done with respect to the boroughs concerning which similar reports have been made to Parliament? It is said that the witnesses will be indemnified. In the case of Wakefield all the witnesses were not indemnified. It rests with the Commissioners to determine with regard to each witness whether he has so completely answer

ed the questions put to him, and so entirely deposed to the whole truth of that which he knows, as to entitle him to the indemnity which they are legally empowered to give. In cases in which the witness has not made a clean breast of it, that indemnity has been refused, and in those cases, undoubtedly, my hon. and learned Friend would be able to institute a prosecution. I cannot bring myself to believe that the House of Commons, which is now engaged with a Bill to improve the representation of the people — which has, moreover, a Committee sitting up-stairs for the purpose of preparing measures to prevent bribery and corruption—will, in a case of manifest bribery and corruption, refuse to issue that Commission which, according to the law and practice, it is, I think, bound to issue. It has been said that you cannot disfranchise the individual. But my hon. and learned Friend the Attorney General has shown that there may be individuals who may be the subject of prosecution. But, even supposing that by any circumstance all the guilty persons may individually be protected, still Parliament may disfranchise the borough, and may deal with it as it dealt with St. Albans. It is, therefore, futile to say that the issuing of a Commission can lead to no result. I think, on the contrary, that if this House should refuse to issue a Commission to inquire in what degree bribery has prevailed, it will shrink from its duty. And let it not be said that the exposure of gross delinquency of this kind has no effect. It has been justly said in the course of the debate that the very exposure of the delinquency of individuals acts as a preventive against other individuals following that example. If no other result followed from this inquiry but to expose to public censure and contempt a large portion of the electors of this borough—I say that if Parliament should take no other steps, a great public good will be accomplished. I trust that, in consideration to its own character, the House will not listen to the flimsy arguments by which this Motion has been opposed.

MR. WHITESIDE said, that something more substantial was wanted to put down these practices than anything either the noble Viscount or the Attorney General had promised. He remembered the Galway case, and he wondered why the Attorney General was not then animated by the virtuous indignation that now possessed him, and why he did not admonish the Attorney General of that day of his duty. He agreed that the Attorney General ought to prosecute every person who was guilty of corruption. But the Report on the Wakefield election had been lying on the table for a great many months. He should like to ask what had been done in that case.

THE ATTORNEY GENERAL said, he had stated distinctly that the evidence in the Wakefield case was in process of being dissected, in order to see whether the evidence affected persons who had not claimed the certificate, and to take legal proceedings against those who were not so protected.

MR. WHITESIDE said, he was glad to hear that the hon. and learned Gentleman was pursuing the science of legal anatomy with so much zeal, and he trusted that the House would see some obvious and satisfactory result from the anatomical operation. For himself, he should be very glad that all these corrupt boroughs should be disfranchised. He gladly voted for the disfranchisement of St. Albans, and thought the House had been too chary of many of these corrupt boroughs. He wished to ask the noble Viscount whether anybody in the commission of the peace had been refused a certificate in the Wakefield case. If so, it was a perfect farce for a Minister to affect great political prudery and a great anxiety for Parliamentary Reform, and to be very zealous for exposure, and yet when that exposure was made to refrain from doing that which he had the power to do, and not venture to strike a person reported as having committed such practices from the commission of the peace. He admitted that if they merely acted on precedent the Commission ought to issue; but what would the Government do when they got the blue-book? They did nothing in the cases of Wakefield, Gloucester, and Galway, and he believed that their present zeal would end in the same way.

SIR GEORGE LEWIS said, he understood the right hon. and learned Gentleman to assert that one of the persons reported by the Wakefield Commission as guilty of bribery, and who had not received a certificate, was a borough justice. [MR. WHITESIDE: I heard so.] The hon. and learned Gentleman then proceeded upon something he had heard—upon mere surmise, in fact. The hon. and learned Gentleman had heard it alleged, and would have the Government proceed on rumour. He could only say that the rumour had not reached his ears. If, however, it turned out to be true, when the Attorney General

instituted his prosecutions against the persons reported upon by the Commission, if that individual were convicted by a jury, he would be removed from the commission of the peace. But it would be impossible for the Executive Government, upon a provisional finding on the part of the Commission, to assume his guilt and remove him from the commission of the peace.

MR. SOTHERON ESTCOURT said, the object they had in view on that side of the House was to extract from hon. Gentlemen opposite something like a practical result from the Commissions which had already been issued. That object having been obtained as far as possible, he thought it was not desirable to oppose the Motion, and he would advise the hon. and learned Gentleman not to press for a division. But he hoped every hon. Gentleman would feel that the Commission should not be allowed to issue unless there was to be some practical result. If the present Commission failed to achieve some practical result, the issuing of any future Commission would only degrade the character of the House, and he would say in all similar cases for the future, that the House ought to resolutely set its face against it, for he was sure every Commission that was issued without any result was rather an injury than a good. He trusted, however, that the Committee then sitting on corrupt practices at elections would shadow forth some practical mode of action in these cases, and if not, that they at least would suggest the basis of future legislation.

MR. MACAULAY said, he did not wish to press his Amendment to a division.

Motion *agreed to.*

Resolved, That an humble Address be presented to Her Majesty, as followeth,—

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, beg leave humbly to represent to Your Majesty, that a Select Committee of the House of Commons, appointed to try a Petition complaining of an undue Election and Return for the Town of Berwick-upon-Tweed, have reported to the House, that there is reason to believe that bribery extensively prevailed at the last Election for the Town of Berwick-upon-Tweed:

We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made, pursuant to the provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled "An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament," by the appointment of James Vaughan, esquire, Thomas Irwin Barstow, esquire, and Franklin Lushington, esquire, as Commissioners for the purpose of making inquiry into the existence of such bribery:

Ordered, That the said Address be communicated to the Lords at a Conference, and their concurrence desired thereto.

Ordered, That a Conference be desired with the Lords upon the subject matter of an Address to be presented to Her Majesty, under the provisions of the Act of the 16th of Her present Majesty, c. 57; and that the Clerk do go to the Lords, and desire the said Conference.

MR. PEEL, in moving that Mr. Attorney General be directed to prosecute William M'Gall for wilful and corrupt perjury in giving his evidence before the Berwick-upon-Tweed Election Committee, said he believed there was no offence more common than that of giving false evidence before an Election Committee. When, therefore, an opportunity presented itself for showing that that offence could not be committed with impunity, that opportunity ought not to be thrown away. There could not be a worse offender than the individual named in his Motion; and as he was a person who appeared to have great influence with the lower class of voters at Berwick, and was employed as an agent for the purpose of bribing, he ought to be made an example of. When examined before the Select Committee, M'Gall distinctly denied having paid any man money for his vote, either at the election or after it; but in the course of the inquiry various witnesses came forward and swore that they had received bribes from him. There could be no doubt then that this man had committed perjury.

Motion *agreed to.*

Ordered, That Mr. Attorney General be directed to prosecute William M'Gall for wilful and corrupt perjury in giving his Evidence before the Berwick-upon-Tweed Election Committee.

CENSUS (IRELAND) BILL.—LEAVE.
FIRST READING.

MR. CARDWELL moved for leave to bring in a Bill to collect Census Returns in Ireland. The Bill would follow in all respects the Act of 1850, with one exception. The Lord Lieutenant was prohibited by the Act of 1850 from ordering questions to be asked as to the religious persuasions of the people. There was no reason now for that prohibition, and he would propose to omit it from this Bill.

Leave given.

Bill for taking the Census of Ireland, *ordered* to be brought in by Mr. CARDWELL and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented* and read 1°.

ATTORNEYS, SOLICITORS, PROCTORS, AND CERTIFICATED CONVEYANCERS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1, 2, and 3 *agreed to.*

Clause 4 (Persons having been *bonâ fide* Clerks to Attorneys or Solicitors for Ten Years may be admitted after Three Years' service).

MR. JOHN LOCKE said, he would move the omission of the word "managing" in line 31. The word managing clerk conveyed no legal meaning; and in a similar Bill which had been brought forward, there had been no such phrase. The clause was sufficiently stringent without the word "managing," which might prove an obstacle to the scrupulous, while to the unscrupulous it would prove none. He also would suggest that the term for serving under articles should be reduced from five to three years.

MR. BOVILL said, that the object of the clause was to extend to managing clerks the same privilege as persons who had taken a degree in one of the Universities, and he hoped the House would assent to it in its present form.

MR. EDWIN JAMES said, he agreed with his hon. and learned Friend, that the word "managing" should be expunged from the clause. If retained it would exclude a number of meritorious persons from enjoying the privileges the Bill was intended to confer. The latter portion of the clause guarded against the admission of mere engrossing or copying clerks. It contained a provision that its operations should be confined to those persons who should be engaged in such businesses as were ordinarily performed by attorneys.

MR. DENMAN said, "managing" was not a satisfactory word. A managing clerk of ten years' standing, he had been informed, was a rare animal in country offices. By the retention of the word the privileges of the Bill would be limited instead of enlarged, as they would only apply to the London firms and some few large firms in the country.

MR. MALINS said, he thought the word ought to be retained, but he would suggest as a compromise that the term ten years should be reduced to seven, and then with three years as articled clerks the full term of ten years would be made up.

THE ATTORNEY GENERAL expressed a hope that the proposed Amendment would be accepted by the hon. Member for Guildford (Mr. Bovill).

MR. BOVILL said, he was willing to accede to the proposal, but he would suggest whether it was not desirable that the last three years of the service should be with the same employer.

MR. BRADY said, he objected to the proposition. It would give employers the means of preventing clerks from being admitted, by putting an end to the service before the expiration of the three years' continuous service.

MR. HENLEY suggested, that some restriction should be introduced as to age, so as to prevent young men obtaining the privilege at too early a period. He thought the period of service should date from 21.

THE ATTORNEY GENERAL said, he thought that this was unnecessary, as boys could not be said to be persons engaged in the transaction and performance of business usually performed by attorney.

THE SOLICITOR GENERAL said, he thought an Amendment should be introduced, extending the provisions of the Bill to proctors' clerks.

MR. HADFIELD suggested, that the Bill should allow attorneys to become proctors.

THE SOLICITOR GENERAL said, attorneys already, under a recent Act, had obtained nearly all the business of proctors, who had become virtually an extinct race.

MR. BOVILL said, he would propose, by way of Amendment, words to the effect, that the last three years should be with one master.

MR. JOHN LOCKE said, it would be better for the hon. and learned Member to withdraw the clause and substitute another of a more ample character.

MR. EDWIN JAMES said, that making the last three years a continuity of service with one master, gave the masters power to defeat the objects of the Bill. The hon. and learned Member for Guildford appeared to look upon attorneys' clerks as a predatory class who wished to destroy their employer's practice. He appeared to forget that some Lord Chancellors had been attorneys' clerks, and that they had not been ashamed to acknowledge it. He contended there was no need for these restrictions, and suggested a clear stage and no favour.

MR. BRADY said, he agreed with the hon. and learned Member for Marylebone that much injustice might be done under the clause, and he hoped the House would not assent to it.

MR. MALINS remarked, that the restriction was unnecessary. Whether a man had served in one or several offices surely was of no consequence. He hoped the Amendment would not be pressed.

THE ATTORNEY GENERAL considered the restriction uncalled for, and urged that the Amendment should be withdrawn.

Amendment *withdrawn.*

Clause, with verbal Amendments, to stand part of the Bill.

Clauses 5 to 12 *agreed to.*

MR. JOHN LOCKE said, he wished to move an addition to the clause, making Clause 12 applicable to attorneys of the Court of Common Pleas of the County Palatine of Lancaster and the Court of Pleas of the County Palatine of Durham, and to the Judges of those courts respectively.

Amendment *agreed to.*

Clauses 13 to 17 *agreed to.*

Clause 18 (Empowering Attorneys, Solicitors, and Proctors to act as Justices of the Peace in certain cases).

MR. JOHN LOCKE moved the omission of the clause, and stated that the object of the Amendment was to prevent an attorney from acting as a magistrate. He contended that it would be most injurious to place an attorney in such a position that he would be enabled to adjudicate upon a case in which the interests of his own client were concerned. The proviso that the attorney should not practise within forty miles of the county of which he was appointed a magistrate would be altogether inoperative in remedying the evil of which he complained. There was no objection to attorneys out of practice to act as Justices of the Peace.

MR. BOVILL observed, it would be a very invidious distinction to say that no attorney should be capable of being placed in the Commission of the Peace; and there were plenty of safeguards against the appointment of any improper person. Barristers were enabled to act as magistrates; and all that this clause did was to give the Lord Chancellor power to appoint attorneys to the Commission at a distance of forty miles from the place where they practised. The clause had been approved by all the law Lords.

MR. COLLINS said, he would remind the hon. and learned Gentleman that barristers so appointed were not practising at their profession.

MR. BRADY said, it was clear that the clause was meant to meet some individual case in which attorney influence was strong. Was it not well known that attorneys had a great deal too much power over the election of Members to sit in that House? Nothing could be easier than for an attorney to turn his political influence to account with the Lord Lieutenant.

MR. COLLIER said, he agreed that it was not desirable for attorneys, as a rule, to sit on the bench; but there ought to be power in the Lord Chancellor to meet specific cases. The Bill merely removed the positive exclusion under which attorneys suffered as a class.

MR. AYRTON said, that an attorney's status was not a local but a personal one. He carried his profession with him, wherever he went, and he would be ready to see a client anywhere. He should therefore oppose the clause.

THE SOLICITOR GENERAL said, the hon. Gentleman who had last spoken had had experience of both branches of the profession; but he could not altogether agree in the tone of his remarks. No doubt it was desirable that the administration of justice should not even in appearance be exposed to suspicion, and that if it were in any considerable number of instances to happen that gentleman occupied seats on the judicial bench within the area to which their practice in their profession extended, such a result would not be unlikely to be brought about. No one, of course, supposed that the exclusion of those to whom the Bill related from the bench of justice would be advocated on the ground of any personal unworthiness on their part as a body to hold such a position. And he would therefore say, let the existing rule remain so far as the area of a solicitor's own practice extended. But he certainly thought that the inadmissibility of an attorney within 40 miles of his office would satisfy everybody except the hon. Member for the Tower Hamlets. ["No, no!"] He could not agree with hon. Gentlemen that an attorney who had an office in London, and who happened to be in Wales, would be angling for clients.

MR. KNIGHT said, the distance of forty miles did not exclude the probability of an attorney having many clients in the place where he might, under the provisions of the Bill, be appointed as magistrate. He thought that 100 miles at least ought to be required in order to render the principle effective.

MR. MALINS said, it was admitted that attorneys who had retired from practice

had made some of the best magistrates that had ever presided in a court. Well, then, he asked whether they thought that professional gentlemen who had only partially retired from practice, were likely from that fact to become less competent to act as magistrates than if they retired altogether? He was of opinion that the supporters of the Amendment were imposing most unfair restrictions upon the members of an honourable and respectable profession. He granted that as a rule it was not desirable that attorneys or solicitors should be on the bench; but there were many districts in which the number of educated and properly qualified men to fill the office was so small, that it would be most advisable that the respectable attorney should be allowed to act as a magistrate. He should, therefore, support the clause.

MR. EDWIN JAMES complained that the learned Solicitor General and the hon. and learned Member for Wallingford had greatly misrepresented what had been said by the hon. Member for the Tower Hamlets. All that had been said was, that there was an ubiquity about a solicitor's business which rendered it unadvisable that they should sit on the bench. Nothing was said about their voracious habits in the dining-room, or their piscatorial habits in North Wales. He was fully convinced of the respectable character of the solicitors as a body, but he was opposed to the existing rule being altered.

MR. VINCENT SCULLY said, he did not much care about English solicitors; but he thought the present proposal was just what it should be. He had heard it said, that if there were no solicitors in the country, there would not be two honest men in it. In Ireland the prohibition which existed in England against solicitors becoming magistrates did not exist. He had known practising barristers in Ireland, men of large fortune, of good family, and of the highest education, refused the magistracy, when they only wanted to be on the Commission in order to be ex officio guardians of the Poor Law Unions. At the same time, by the law as it stood in Ireland, a Queen's counsel might be a magistrate for any county.

MR. COLLINS said, that to alter the law of the land merely to suit the convenience of a few wealthy solicitors in North Wales was rather too much to ask; and he should oppose the clause alike in its original and amended shape. He concurred with the hon. Member for the Tower Hamlets (Mr. Ayrton) in thinking that attorneys always carried about their attorneyship with them.

MR. DENMAN observed that there was a class of attorneys in London who did agency business for the attorneys and solicitors in the country, and thus one might do business for almost all the attorneys in a particular county or borough, by which he would possess very great influence there, although practising in London. It would give rise to discontents and suspicions in the administration of justice.

MR. HENLEY said, he would like to hear the opinion of the Solicitor General as to the meaning of the words "practising in the county" in the clause, for he thought that would determine, to some extent, the course they ought to take, in reference to this matter. If the restriction were removed altogether, it might safely be left to the Lord Lieutenant of the county not to exercise his privilege except in unexceptionable cases. But to specify forty miles distance would only create confusion. A solicitor might come down where his client resided to arrange family settlements or look at a lease, and questions would then arise whether he was practising in the county or not.

THE SOLICITOR GENERAL said, he had no hesitation in saying that the expression "county in England or Wales in which he shall carry on the profession of an attorney" meant the county in which his place of business was, and in which in the ordinary sense he carried on his profession.

MR. HENLEY said, in that case there was nothing to prevent the Lord Lieutenant of a county from appointing to a seat on the bench his London solicitor, who conducted all his business.

MR. BEAUMONT said, the subject was a very important one, and the hour was advanced. He accordingly moved that the Chairman do report progress.

MR. MOWBRAY suggested that his hon. and learned Friend should withdraw the clause.

MR. BOVILL said, the present Act of Parliament was felt by the profession to throw a slur upon their body. He did not feel at liberty to withdraw the clause, which had been introduced under the highest authority connected with the law, and sanctioned by Her Majesty's Attorney General.

MR. LIDDELL said, he must protest against the House of Commons being told

that they must pass a clause, because it had been introduced by a high legal authority in "another place."

Clause put, and *negatived.*

The House resumed.

Committee report progress; to sit again *Friday* 11th May.

REPRESENTATION OF THE PEOPLE BILL.—OBSERVATIONS.

On the question that the adjourned debate on the second reading should be postponed till Thursday,

VISCOUNT PALMERSTON: I wish to mention that I hope we shall be able on Thursday further to advance the Bill. At all events, it will be my duty to take the sense of the House if a further adjournment is moved on Thursday.

MR. HUNT: Will the Reform Bill or the Paper Duties Bill be taken as the first order on Thursday?

VISCOUNT PALMERSTON: The Reform Bill.

MR. HENNESSY: Will the second reading of the Irish Reform Bill be taken before we go into Committee on the English Reform Bill?

VISCOUNT PALMERSTON: We shall see about that.

MR. VINCENT SCULLY said, the Irish Members had not yet spoken on the Reform Bill, and yet the noble Lord wished to take the sense, or perhaps the nonsense, of the House, on it on Thursday.

Debate *further adjourned* till *Thursday.*

House adjourned at a Quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, May 2, 1860.

MINUTES.] PUBLIC BILLS. — 2° Aggravated Assaults Act Amendment; Malicious Injuries to Property Act Amendment; Bank of Ireland

AGGRAVATED ASSAULTS ACT AMENDMENT BILL.—SECOND READING.

Order for Second Reading read.

VISCOUNT RAYNHAM said, he rose to move the second reading of this Bill, its object being to amend the Act for the punishment of persons convicted of aggravated assaults on women and children. That object would be generally admitted to be important, referring, as it did, to matters affecting the personal safety and comfort of women and children. This question had been frequently brought forward, on account of the many instances of these aggravated assaults of late years; and from the feeling that the law, as it stood at present, was unable properly to deal with them. It was generally deemed that some amendment was required, and the main alteration which he proposed was, that for these offences magistrates should be enabled to inflict corporal punishment for the first offence, but that for the second conviction of the same offender such punishment should be rendered compulsory. Notwithstanding that he looked forward to these offences being put an end to by the infliction of corporal punishment, he was of opinion that, under peculiar circumstances, it might not be desirable to inflict that punishment for the first offence, and, therefore, he left a certain discretionary power in the hands of magistrates in dealing with those cases when they came before them for the first time. Long imprisonment was, in some cases, injurious to the wives, and the infliction in this respect of an injury upon the wife was a principal reason why many wished to substitute flogging as a punishment for brutal husbands. There were many cases, however, which had come to his knowledge, in which so far from the imprisonment being injurious to the wife, it was beneficial to her. Men who were so brutal as to commit aggravated assaults on their wives and children seldom adequately supported them. It was argued that corporal punishment degraded a man, and made him, if possible, a still greater brute than he was before his conviction. He could not conceive such a result possible in the cases to which his Bill applied; but whether it were so or not, it was not a function of criminal jurisprudence to consider the after conduct of the convicted man; but only how he could be made sufficiently to suffer, so that others might be deterred from the commission of a similar offence. Flogging was objected to as a degrading punishment. What was there in the punishment of flogging more degrading than in the act of assaulting women and children? and such an offence should meet with a degrading punishment. It should be borne in mind, too, that soldiers and sailors were subject to corporal punishment, and that military and naval authorities did not consider that a man once flogged was degraded and brutalized, and

rendered less fit to continue to discharge his duties. He should wish to abolish flogging in the army and navy as much as possible, yet as those who might be supposed to know best on this subject were not prepared entirely to do away with the lash, he submitted to their better judgment. Still, if corporal punishment were maintained in the army and navy, why should it not be inflicted for atrocious assaults on women and children? What he wished to try was, whether the discipline of the lash might not prove effectual. Even civilians, too, were liable to that very punishment for offences such as theft, when they happened to be committed for trial at the Court of Quarter Sessions. In the town of Hertford, a man was at present under sentence of imprisonment for six months at hard labour, with the additional penalty of thirty six lashes, for stealing a pair of boots and two umbrellas. It was, indeed, his second conviction; but as on his former trial he was sentenced only to two months' imprisonment, it might be fairly inferred that the offence had not been very serious. He did not know why they should evince such a want of confidence in the magistrates as to refuse to allow a proper punishment to be inflicted upon men for the most atrocious outrages, simply because they must be summarily disposed of by magistrates in petty sessions. The question was, whether the House was satisfied with the present state of the law. He acknowledged that the Act of the late Mr. FitzRoy had operated beneficially in preventing the entire impunity of these offenders, but he maintained that they deserved a greater punishment than six months' imprisonment? Were the most outrageous assaults upon the most helpless persons to be put upon the same level as the most trivial class of offences? Was nearly killing a woman and child to be classed with the offence of stealing a dog? It could not be hoped that the offences would be reduced unless some Amendment of the present law was adopted. Although he would give up with great reluctance the clauses relating to corporal punishment, yet, rather than lose the Bill, he would abandon them, hoping that the other provisions which he proposed enacting an increased term of imprisonment, requiring bail for good behaviour, and abolishing punishment by fines, would be productive of some salutary effect. However, let it not be supposed, therefore, that he abandoned in any degree his conviction that the infliction of corporal punishment was the only just and efficacious mode of dealing with the offences referred to in the Bill. It was said that the punishment of flogging was not conformable to the spirit of the age. So much the worse for the spirit of the age. He thought, however, the spirit of the age was maligned when that was said of it. The spirit of the age was to put down such atrocious offences, and this was not to be done by any other means than corporal punishment. Unless the Government—who he understood intended to oppose his Bill—would undertake to bring in a measure of their own on the subject, he thought the House would not support the Government in its opposition. He thought it was a moderate Bill, and it was much more moderate than he had at first intended to introduce. Murder was the only crime which the law now punished capitally, but death often resulted from the blows given on the breasts and other portions of the delicate frames of women and children, and the infliction of corporal punishment could not be deemed inadmissible, for these offences. It had been said that if a man were flogged for assaulting his wife he would never become reconciled to her; but in such cases, the wife seldom or never made a charge until the husband had reduced her to a state of hopeless misery, and therefore if the man was incorrigible the case would not be worse than before, while if he became in consequence of his punishment imbued with proper feelings, he could live again happily with his wife afterwards. But after all, the immediate question to be considered was, whether the punishment to be inflicted was in proportion to the offence which had been committed; and if the House required a precedent for the adoption of such a means of punishment, they had it in the introduction of a similar punishment for attacks upon our gracious Sovereign, which the adoption of that measure had effectually suppressed. There was one further desirable result which would follow from corporal punishment, namely, the moral effect of this punishment in the low neighbourhoods where these assaults generally occurred. It was inconsistent to allow the law to remain in its present state. If corporal punishment was objectionable, why was it retained at all? The argument that a sentence of flogging ought never to have been passed except upon the verdict of a jury, was a puerile one. That reasoning would apply rather to the form of trial than to the mode of punishment. But,

why should magistrates not have such a power as well as justices at quarter sessions? It was important that these offences should be dealt with summarily, and why not give to those who were intrusted with the liberties of their fellow-subjects the power of meting out an appropriate punishment for these degrading offences? The fear of the lash would exercise a powerful moral influence in preventing such assaults, the punishment now inflicted was a most inadequate one. In many cases the victims received such injuries as ultimately caused their deaths, and instead of diminishing, the number of these assaults was, he believed, on the increase, and the law as it stood had been declared to be utterly inefficient for their prevention. He would cite instances to prove that the punishment was not sufficiently severe. One was an instance where an idle, dissolute fellow lived upon his wife's earnings. He had been in the habit of ill-treating his wife in a brutal manner; she declined to prosecute him, and why? From the disgrace of the offence, not from the disgrace of his suffering corporal punishment, but of his being simply put upon his trial. This arose from the affection of a woman for a fellow who was unworthy of it. Another case was one where a brute had struck his wife on the head with a poker. He only received two months' imprisonment. In this instance the wife was again unwilling to prosecute, although he had been in the habit of illusing her. A third case was where a bookbinder was in the habit of beating his wife and children. On one occasion he seized one of the children and swung her round the room by the hair of her head. He then rushed upon the mother and tore the hair out of her head by handfuls. In this case also the cruelties were habitually practised. Another wife had been compelled to leave her husband and support herself as a charwoman. He believed that amongst the magistrates of London, some of them were of opinion that corporal punishment would be a very proper penalty; but if the Bill was to be opposed on this ground, he repeated that for the sake of the other useful provisions, rather than that the Bill should be lost he would undertake that the clause should be withdrawn or modified in Committee, though he should do so with deep regret; for no one could read without the deepest pain the outrages which were daily committed upon defenceless women and children. He sincerely hoped that by passing the second reading of this Bill, even supposing it to be afterwards modified in Committee, the House would take some steps to check so atrocious an offence.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. CLIVE said, he certainly had not expected to hear so positive an eulogium upon the lash, nor had he ever understood from military and naval officers that a soldier or a sailor was improved by the infliction of corporal punishment. On the contrary, he had heard that a man, after being flogged generally became a good deal worse than before. With regard to the Bill, the noble Lord took credit for moderation because he proposed that for the first offence the magistrate should be empowered to sentence a man to twelve months' imprisonment and fifty lashes, and eighteen months' imprisonment and one hundred and fifty lashes for the second. Now, was the noble Lord aware of the difficulty which at present existed in getting wives to appear against husbands who had assaulted them, and of the consequent failure of justice? That difficulty would be considerably increased by the Bill, and, speaking from experience, he should say that it would also be difficult to get a magistrate to take upon himself the responsibility of inflicting a punishment of this kind. To the noble Lord was due full credit for his humane intentions, and for his wish to afford protection to the most helpless portions of the community. But though there were many cases in which delicate women came forward and claimed protection against brutal husbands, it must be remembered, on the other hand, that a mischievous and ill-tempered woman could very easily impose on a magistrate, and, by aggravating her husband until he struck her, might contrive to bring him into a police-court, rid herself of his society, and disgrace him by the punishment which this Bill proposed to inflict. The most experienced magistrate was apt to allow his feelings in such cases to get the better of his judgment, and in his opinion it would be most dangerous to allow such a punishment to be inflicted by either a stipendiary or by two magistrates immediately after hearing a charge of this description. The noble Lord seemed to suppose that there was no difference between a trial by jury and by two magistrates. But at quarter sessions there was a grand jury, a petit jury, and, above all, a bar, who sifted

every statement, and gave a Judge ample time to make up his mind and to modify his first impressions. He (Mr. Clive) was certain that there would be the greatest indisposition on the part of magistrates to inflict this punishment for the first, and still more for the second offence. The 10 & 11 *Vict.*, c. 82, gave to magistrates at petty sessions a power of summary conviction in the case of juvenile offenders under fourteen years of age. The 13 & 14 *Vict.* c. 47, extended that power to the case of boys under sixteen years; but Parliament took the precaution of enacting that boys above fourteen years should not be flogged, and in both those Acts the parties accused had the power of declining to accept the magistrates' jurisdiction and of going to the quarter sessions. That showed what was the opinion of the Legislature as to the infliction of corporal punishment upon adult males. Altogether, though sympathizing with the object of the noble Lord, he could not concur in the remedy now suggested, and should, therefore, take on himself the responsibility of moving that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. DARBY GRIFFITH said, he found no fault with the remarks of the hon. Gentleman, or with the right hon. Baronet the Home Secretary, whose opinions he no doubt correctly represented. He thought, however, there were two sides to a question of this kind, and Members who were not clothed with the responsibilities of office might very well take another view than that presented by the hon. Gentleman. These assaults were as outrageous and as shocking to humanity as ever they were, and experience had shown that the milder punishments hitherto provided to prevent their commission had been entirely ineffective. How great was the anomaly between the treatment of our brave defenders and the brutalized persons who were guilty of such assaults! It had been said that to strike a woman was a symptom of the lowest stage of moral degradation, and yet while for a small offence in discipline, not nearly so morally degrading, a soldier or sailor was punished with the lash, we hesitated to apply it to the men who savagely attacked defenceless women and children. An hon. and gallant Friend near him suggested that the punishment in the case of the brutal assailants of women and children should be applied to a less honourable portion of the body than was selected in the army and navy, and certainly it might be thought that the adoption of the schoolboy fashion might be the most appropriate mode of dealing with such degraded wretches. Experience had shown that nothing short of direct personal punishment could have much effect upon such degraded beings. He thought the time had come when the question ought at least to be entertained, and he should therefore vote for the second reading, and exercise his constitutional privilege of objecting to the noble Lord's withdrawing the Bill.

MR. WARNER said, he could not approve of the Bill as a whole, but he should support it if they went to a division, because he thought that something was required to check a class of offences which were on the increase, and were most disgraceful in their character. The way in which women were brutally ill-treated by strong and drunken men in this country was a disgrace and reproach to the nation in the eyes of foreigners. He thought the objections made by the hon. Gentleman the Under Secretary to the Bill applied rather to details than to its principle, and would be best considered in Committee. It might not be desirable to subject adults to personal chastisement; but if so, why was flogging retained in the army and navy, and why were magistrates empowered to whip boys? He certainly agreed with the hon. Gentleman that the punishment ought to be applied rather on the school-boy than on the adult principle. He hoped that something might be done to remedy the crying disgrace and shame under which this country lay from the frequency of these offences. In former years their laws were the most sanguinary of any in Europe but now they went into the opposite extreme, and were influenced by an absurd tenderness for criminals, whom they were frequently disposed to magnify into heroes.

MR. HENLEY said, the noble Lord who had introduced this Measure had failed to show a foundation for the alteration which he proposed to make in the law. He produced no Returns to show an increase in the particular kind of offence against which the Bill was directed; nor had he quoted the opinion of magistrates that the law was ineffectual for its object, that it was not working satisfactorily, or that a difference in the punishment was required. Within the last few years the law had been

made very much more stringent than formerly, and the House ought to be informed how it had worked. The hon. Gentleman who had last spoken said that something must be done, but it was too vague a proceeding to go into Committee to do something which was not defined. The present punishment for these offences was six months' imprisonment with hard labour. There were very few cases in which magistrates, without a jury, were empowered to inflict a higher punishment; and he was one of those who thought that if the offence was one that called for a heavier punishment, it ought to be sent to a jury. He confessed he did not think that corporal punishment was a penalty which ought to be entrusted to the authority of a magistrate, sitting alone, and without a jury. The magistrate was already induced to lean to over-severity by seeing the unfortunate victim of the husband's cruelty before him, and this tendency was not likely to be checked by this Measure. It might be said that there would be a difficulty in getting up a prosecution; but he thought that might be safely entrusted to the care of the chief constables. He believed, on the whole, that more or less of punishment would not stop these brutal acts. They must look to the diffusion of greater sobriety among the working population; for he believed that drunkenness was the cause of by far the larger portion of these cases, and that often on both sides. He believed there was evidence, not of a scanty nature, to show that there was an improvement among the population in this respect, and still more that these brutal offences were regarded with different feelings by the people at large now than was the case some years ago. He was, however, for leaving the case in the hands of the Government. They had Returns at the Home-Office from which they could form proper conclusions, and it would be time for the House to deliberate when those Returns were officially produced.

MR. DILLWYN said, he had moved two years ago for certain Returns, showing the number of assaults committed upon women and children, and then he found that the cases in the Metropolis amounted to one a day, and that they were continually increasing. He recommended the noble Lord to move for a continuation of these Returns, which would show how the matter stood. He feared crimes of that kind were not diminishing, and an attempt should be made to put a stop to them. He was sorry to hear the noble Lord state that he was willing to withdraw that portion of his Bill which involved the infliction of corporal punishment, for he thought that that was the very principle of the Bill. He desired to see corporal punishment inflicted upon the brutes who assaulted women and children. Imprisonment was not sufficient, but a sharp and decisive penalty must be inflicted. The object was to prevent these offences, not to reform the brutes who committed them, for he had no faith in prison reformation. Besides which imprisonment had the effect of punishing the unfortunate partner of the guilty man. She was condemned either to the workhouse or to great want and penury. He agreed with the hon. Member for Devizes (Mr. D. Griffith) that it would be unnecessarily squeamish to exempt in tenderness such wretches from a punishment which was inflicted for less brutal crimes upon the defenders of the country.

MR. SOTHERON ESTCOURT observed there was something so abhorrent to the best feelings of their nature in this crime, that in dealing with it they were in danger of allowing their feelings to overbear their judgment. But he feared that, if the Bill passed into law, it would cause more harm than good, as there would be a greater difficulty in procuring convictions than there was at present. He would agree to allow the Bill to be considered in Committee if he thought there was any chance of it being made a useful Measure, but the substantial alteration which it proposed to make was to give the power of whipping offenders. He quite agreed that whipping was the proper mode of punishing men who acted in a brutal manner; but he hesitated to enact it, because he doubted whether it would be effectual. A conviction would depend upon the victim of the assault, and although a poor woman might not refuse to give evidence immediately after the occurrence to a magistrate, yet if, as was suggested, such cases were sent for trial in a court of law, she might be influenced in the meantime, and refuse to prosecute, knowing what the result would be to her husband. He quite agreed in the objections that had been urged against investing magistrates with the power of ordering corporal punishment, and would only permit it after trial in a court of law, but then he was afraid there would seldom be any convictions. At pre-

sent, however, he did not think the House had sufficient information as to the working of the existing law to be in a position to act.

SIR GEORGE LEWIS: The question before the House is the choice of measures for the accomplishment of an end for which we are all agreed. But the choice of the means must depend in a measure upon whether it can be shown that the present law is ineffectual, and whether there has been any increase in the number of offences of the kind we are considering. The noble Lord has not attempted to show anything of that kind, but he appeals to what he calls the evidence of notoriety—the reports in the newspapers, and he deduces from them, and the amount of public attention that is bestowed upon them, a totally opposite conclusion from that which I have arrived at. I infer that the increasing horror with which these cases are regarded by the public has induced the conductors of newspapers to devote an increased space to reporting them. I think that the increase in the number of reported cases is no proof of the increase in the number of cases themselves, and I am not aware that there is any ground for supposing that cases of cruelty towards women and children are on the increase. As far as they depend upon intoxication, which is the chief cause of such offences, we must look to—what there is evidence to show has already taken place—an improvement in the habits of the people as the best remedy for them. The principle of this Bill is, that the present law is ineffectual, and that the proper way to make it effective is to make it more severe. That is proposed to be done in several ways; by prolonging the periods of imprisonment, by increasing the time over which recognizances for good behaviour extend, and by giving to one magistrate or two justices the power of ordering one, two, or three whippings. My hon. Friend (Mr. Dillwyn) seemed rather to undervalue the additional imprisonment to be awarded under this Bill. At present the *maximum* is six months, with no *minimum*. Under this Bill, for the first offence it is to be a *minimum* of four months and a *maximum* of six months, with an additional period of six months, during which the offender is to be under recognizances. For a second offence the *minimum* of imprisonment is to be eight months and the *maximum* twelve, so that for a second offence a man, if he cannot give recognizances, may undergo eighteen months' imprisonment and three whippings. Under the present law whipping cannot be ordered except for offences tried before a jury, and it would be a great innovation to give such a power to a single magistrate. The noble Lord said he was willing to withdraw that portion of his Bill. ["No!"] At least, so I understood him, and the hon. Member for Swansea (Mr. Dillwyn) truly observed that the power of flogging was the very principle of the Bill. But the question for us to consider is, whether increased severity would tend to the repression of such offences. I think it would not. The person who must put the law in motion is usually the wife. At present the punishment is severe, but not too severe. Is it likely that a woman will be induced to prosecute her husband, with the knowledge that this severer imprisonment will await him, and that he may be privately whipped? I believe that increased severity will tend to prevent wives from coming forward, and make them reluctant to prosecute, when the result will be to condemn their husbands to a lengthened confinement and a disgraceful whipping, while they themselves are left to starve or be supported by the parish. It is no uncommon case now for wives to petition the Home Office for a remission of their husbands' sentences, upon the ground that the man is penitent, and that the woman is suffering from being deprived of her usual means of support. Therefore, I do not think that this Bill would tend to repress offences of this description, and though I am ready to give the noble Lord every credit for his humane intentions, I must vote against the second reading.

MR. BRADY submitted it was the duty of the Home Secretary to have produced positive evidence that the existing law was sufficient to repress the crime with which the Bill proposed to deal. He (Mr. Brady) asserted, on his own observation and knowledge, that the crime was on the increase. Magistrates, also, were in the habit of stating that it was on the increase, and that men were committed to prison for it as often as three or four times, facts which proved that the existing law was inadequate for its repression. As it was, many a poor woman suffered in silence, and did not come forward until the last moment; and although the right hon. Gentleman said the wife would not come forward, he thought that was no argument why a sharp punishment should not be inflicted upon offenders; for if they refused to do that these ruffians

would never believe that that House was really in earnest in their desire to put down such offences.

MR. CONINGHAM said, he could not help expressing his astonishment at a proposal being made in that House to inflict corporal punishment for the sake of humanity. He thought it ought to be abolished even in public schools, and he should never desist from his efforts to put an end to so degrading a penalty in the army and navy. If you wanted to stop assaults on women, improve the moral sense of the people out of doors. It was said that wife-beating was pointed at in foreign countries as a disgrace to England, but he believed there was nothing considered in France to be such a stigma on our national character as the flogging in our army and navy. He hoped the noble Lord would withdraw his Bill.

COLONEL NORTH said, he was not disposed to give the power of inflicting corporal punishment to a single magistrate, or even to two justices. In the army not a single lash could be inflicted except by the sentence of a court-martial, subject to the approval of the higher authorities. He could not see why the power of ordering flogging should not be intrusted to the quarter sessions. Fellows who beat their wives were personal cowards, and he had no doubt that if they knew that the lash was hanging over them the offence would be put a stop to. That, he thought, would put a stop to it. When the ruffian who insulted our Queen was made a sort of hero, he found plenty to follow his example; but when the crime was made subject to the penalty of flogging the crime ceased at once. The right hon. Baronet said that women were deterred by the fear of starvation from prosecuting their husbands; but there were cases in which women supported their husbands, and in which the scoundrels showed their gratitude by going home drunk and beating their families. He hoped that the law would be so altered as to enable such persons to receive a flogging —and a good flogging—for their offences.

MR. WALTER said, that although he disagreed in the abstract with the opinions of the hon. Member for Brighton (Mr. Coningham), and would have no hesitation in applying corporal, or any other mode of punishment, if it would tend to the repression of crimes such as they were considering, he intended to oppose the Bill, not for the sake of the men, but for the sake of the women. He thought the objections which had been stated by several hon. Members as to the difficulty of obtaining prosecutions should make them hesitate in adopting an alteration of the law which might have the effect of defeating the object which its proposers had in view. He believed that every one who was acquainted with the feelings of women, even of the lower classes, among whom these offences usually took place, would agree with him in thinking that there was that instinctive tenderness and delicacy in the female mind which would induce a woman to shrink from prosecuting her husband, who in a moment of passion or drunkenness might have committed a brutal assault upon her, and that even among women holding a less reputable, but still binding relation towards the men with whom they lived that feeling would prevent them from coming forward to inflict punishment which might savour of vengeance, and destroy all prospect of ever living together again. His firm belief was that that would be the result of the punishment which it was proposed to introduce. Upon many former occasions when Bills of that nature had been discussed they had always been rejected upon that special ground, and he thought no answer could be given to it. He did not object to corporal punishment from any sympathy for the brutes who committed such offences, but because the object of the law ought to be not only to insure punishment, but to make it certain and effective. Nothing could be more detrimental to the ends of justice than to prescribe a punishment which in the state of feeling which must exist between the two sexes could not be carried out, and therefore he said that the introduction of corporal punishment would defeat the very object which the authors of this Bill had in view. He must also remark that it was not only among the lowest classes of the community that these offences took place. If they looked to the revelations in the Divorce Court they might well fear that if the secrets of all households were known these brutal assaults upon women were by no means confined to the lower classes, and he thought the establishment of a punishment obviously only intended to be applied to the lowest classes would have the effect of creating an invidious distinction between those classes and others in better circumstances who were unfortunately guilty of similar offences. Therefore, he should feel it his duty to oppose the second reading of this Bill.

COLONEL DICKSON said, he wished the Bill to be disposed of, because there were several Bills on the paper in which Irish Members took great interest, and the one before the House was a matter with which Irishmen had not the smallest possible concern, for Irishmen never did beat their wives. He left it to moral philosophers to say how it was that in this highly civilized country a crime should prevail which was entirely unknown in the sister island.

MR. BONHAM-CARTER said, the assumption that the wife was the first to move in punishing a husband who had maltreated her was hardly consistent with experience. He thought she seldom had recourse to the law for the first offence, and that it was only a long course of brutality which she could no longer conceal from her neighbours that drove her to seek redress. He knew instances where the poor neighbours of women who had been brutally treated had clubbed money from their small earnings to keep them and their children out of the workhouse while the husbands were undergoing imprisonment. He was in general against the infliction of corporal punishment, but he thought it was called for to repress an offence which had defied all ordinary means of legal correction; and he believed the knowledge that this class of offenders would receive a rapid and degrading punishment would be far more effectual in deterring men from the commission of the offence than any amount of imprisonment. His experience as a magistrate induced him to think that corporal punishment would be a fair weapon to use for the protection of the woman in those cases; and in her interest, and in that alone, he cordially supported the Bill.

MR. CLAY said, he should have been better pleased if this question had come before the House on a Motion for a Committee of inquiry, for he knew that among police magistrates great differences of opinion existed with respect to it, and it was very desirable to have further information before they sanctioned the Bill. He was aware how unpopular it was to say anything against the other sex, but really some hon. Members spoke on this subject as if there was no such thing as a bad woman. A magistrate of great experience in a district which comprised some of the lowest parts of London had assured him that cases of drunkenness and the pawning of their husbands' clothes had been much more frequent among women since the increased severity of the law against men for aggravated assaults upon their wives, and that it was common among women addicted to those vices to say to a husband, "You brute! If you hold up your hand against me I'll give you a 'sixer.'" Hon. Members had probably some experience of the venom of an angry woman's tongue; and if the Legislature so far added to the power which a woman already possessed of punishing a husband who maltreated her as to enable her to say to him, "You brute! I will have you whipped like a dog," he (Mr. Clay) believed that the apprehension of a degrading punishment might so operate on an infuriated husband's mind as to lead to worse consequences than an aggravated assault—namely, to murder.

SIR BALDWIN LEIGHTON observed that the right hon. Gentleman opposite was in error when he said that flogging could be only inflicted on civilians after the verdict of a jury. He would remind the House that flogging was a punishment which was already inflicted in gaols for breaches of prison discipline; and as a visiting magistrate for a period of 20 years, he had seen a number of offenders sentenced to be flogged for the repeated commission of those offences, but that he only knew one instance of a man repeating the offence after being flogged. He was sorry to say that amongst the worst class of female prisoners there was more misconduct than among the most ill-disposed of the men. The highest personal punishment that could be inflicted on women was being put in irons; but it did not prove so efficient as flogging was found to be in the male wards. That circumstance carried conviction to his mind that flogging as a last resource was more likely to repress crime than any other punishment. Again, the law was that any person who committed a larceny was liable to be flogged; but larceny was not so bad an offence as an aggravated assault on a woman; and therefore he did not think the Bill was so objectionable as it had been represented.

MR. ALDERMAN COPELAND supported the Bill, believing that if whipping was added to the existing punishment, it would go far to repress aggravated assaults upon women.

VISCOUNT RAYNHAM said, it was his intention so to alter the Bill in Committee as to give the magistrates, acting separately, only power to sentence to a longer period of imprisonment; but he should propose to give the magistrates in Quarter

Sessions power to order a person guilty of an aggravated assault to be flogged. Wives who were beaten by their husbands commonly owed them very little for their support; and they were, generally speaking, much better off while their husbands were in prison.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 109; Noes 85: Majority 24.

Main Question put, and *agreed to.*

Bill read 2°.

On the Question that the Bill be committed the next day,

MR. SOTHERON ESTCOURT suggested that the noble Lord who had charge of it should adopt the recommendation of the hon. Member for Hull (Mr. Clay), and refer it to a Select Committee, seeing that the House was much in want of precise information on the subject, and that it would be desirable to have the evidence of police magistrates in reference to it.

MR. HUME said, he hoped the noble Lord would not accede to the suggestion of the right hon. Gentleman. He did not think that any further information they were likely to get would be of any advantage, and he hoped the noble Lord would not consent to the Bill being sent to a Select Committee.

MR. NEWDEGATE said, he thought the course proposed by the hon. Member for Wiltshire was the best that could be followed, and he would therefore support his proposition for sending the Bill to a Select Committee.

VISCOUNT RAYNHAM said, he thought the House had had sufficient information already on the subject. He would move that the Bill be committed the next day.

SIR GEORGE LEWIS said, if it was proposed to send the Bill to a Select Committee in order that it might receive improvements, he was disposed to think that with a view to such improvements it should be considered in a Committee of the whole House rather than by a Select Committee. If it was proposed to refer the whole subject to a Select Committee, with a view to evidence being taken, that, he thought, was not the ordinary course. As he understood the view taken by the right hon. Gentleman opposite, it was that they would obtain any additional information that might be required by simply sending the Bill to a Committee up-stairs. He (Sir G. Lewis) was disposed rather to have the matter discussed in a Committee of the whole House, in order that they might arrive at a right conclusion as to whether the punishment inflicted on offenders should be lengthened imprisonment or flogging, or a combination of both.

MR. SOTHERON ESTCOURT said, it was, perhaps, not the ordinary course of proceeding to take evidence on a Bill when sent to a Select Committee, but there were precedents for such a course.

MR. HENLEY said, he concurred in the view taken by the right hon. Gentleman the Home Secretary that the clauses of the Bill should be considered in a Committee of the whole House; but he hoped the noble Lord would be prepared, before going into Committee, to inform the House what modifications he meant to introduce; or, if the noble Lord thought it a more convenient course, the House could go into Committee *pro formâ*, and thus enable him to introduce the Amendments he meant to propose.

Bill *committed* for *To-morrow.*

MALICIOUS INJURIES TO PROPERTY ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. PAULL, in moving the second reading of this Bill, said, that its object was to amend the existing law by bringing within its operation offences which happened through what appeared to be a mere inadvertence to be omitted from its provisions. The defect had been discovered in the course of a recent trial in Wales, for a malicious injury to the machinery of a mine, and the present measure was proposed in accordance with the views of the Judge who had presided at that trial.

MR. CLIVE said, there was no objection to the Bill on the part of the Government.

Bill read 2°, and *committed* for *Wednesday* next.

FISHERIES (SCOTLAND) BILL.

COMMITTEE.

Order for Committee read.

(House in Committee.)

Clause 1 (Prohibiting fishing for Trout, &c., by means of Nets, &c., in any Rivers, &c., in Scotland).

Mr. BUCHANAN expressed his belief that the clause would impose an excessive restriction on the amusements of the people, and more especially of the poorer classes. It imposed very severe penalties.

Mr. BLACK said, he thought that words should be omitted so as to make the provisions of this clause applicable to all persons fishing with a double rod or nets, and he would move an Amendment to that effect.

Sir EDWARD COLEBROOKE supported the clause, as he deemed it most desirable that this illegal system of fishing should be put an end to.

Mr. BAILLIE COCHRANE said, he had brought forward this Bill entirely in the interest of the public, to protect them in their sports, in opposition to the number of persons who were in the habit of coming from Glasgow at night, and, by means of lines and other means, exhausting the rivers of large quantities of fish for the purpose of sale.

Mr. BAILLIE said, the object of this clause was to punish a man for stealing fish—a power which did not at present exist.

Mr. STEUART said, he would support the clause.

The LORD ADVOCATE said, that when the whole of a stream belonged to a single individual no one could wish to interfere with his right to fish in any manner he might please; but in those cases in which the entire stream did not belong to him, he ought to be prevented from having recourse to practices which would put an end to fishing along the whole of its course. He would suggest that the Amendment proposed by the hon. Member for Edinburgh should be adopted, and that a provision should be introduced at the end of the measure securing the rights of proprietors to whom the whole of a stream belonged.

Amendment *agreed to.*

Mr. BUCHANAN moved to omit from the clause the words "set lines;" and he did so in the interest of the children of the rural population, who were in the habit of setting lines from time immemorial. To attempt to prohibit this would be about as reasonable as to prohibit football.

Sir JAMES FERGUSSON said, no one could wish to interfere with the amusement of children, but, as he believed as much damage could be done by set lines as cross lines, he must say "No" to the Amendment of the hon. Member for Glasgow (Mr. Buchanan).

Lord CLAUD HAMILTON said, these set lines often had dozens of hooks, and, being put in the best parts of the river, were most destructive to the fish.

Mr. CAIRD said, as this was an attempt to put a stop to the amusements of the people, he hoped the hon. Member would persevere in his Amendment.

Mr. LONGFIELD opposed the setting of these lines in every direction, as it was poaching in a river in the most mischievous manner in which it could be carried on.

Sir EDWARD COLEBROOKE believed that they ought to put down the practice of fishing by these lines.

Mr. BAILLIE COCHRANE said, that by the last clause of this Bill children were not prevented from fishing by single lines, but fishing by cross lines was not the act of children, inasmuch as they were only put in at night, and by means of boats.

Amendment *negatived.*

Clause *agreed to*, as was also

Clause 2.

Clause 3 *struck out.*

Clause 4 (Power to seize fishing implements in the possession of unqualified persons).

Mr. BUCHANAN proposed as an Amendment, to insert, after the word "person," at line 19, the words, "having the authority of the proprietor of the land."

Mr. CAIRD objected to the clause as too stringent. It would come to this, that the gamekeeper was to be the judge of the intent of a person travelling over the country.

Mr. JOHN LOCKE said, the power given under this clause was even more stringent than that given under the game laws, which only gave power to seize suspected persons by night.

Mr. CRAUFURD said, he agreed with the hon. Gentleman (Mr. Locke) that such a stringent power did not exist under the Game Act, and he should move the rejection of the clause.

Mr. BAILLIE COCHRANE said, that they could only be seized if their owners were caught in the act of committing an offence.

Amendment *agreed to.* Clause *agreed to.*

Clause 5,

Mr. BUCHANAN said, he objected to the justices having jurisdiction. It would be better to vest it in the sheriff of the county. The justices in many cases would be the complaining parties.

Mr. E. P. BOUVERIE said, he thought the justices would be glad to be rid of such a troublesome jurisdiction.

Clause *agreed to.*

Clause 6 (Appeal).

MR. BUCHANAN moved to omit the words—"or any justice of the peace."

Amendment proposed, in page 3, line 28, to leave out the words "or any justice of the peace."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 128; Noes 41: Majority 87.

THE LORD ADVOCATE proposed, as an Amendment, to the effect that two witnesses should be necessary to convict for this class of poaching.

Amendment *agreed to;* Clause *agreed to;* as were also the remaining Clauses.

House resumed.

Bill *reported;* as amended, to be considered on *Monday* next.

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.—SECOND READING.

Order for Second Reading read.

MR. MAGUIRE said, the Irish Members were waiting most anxiously for its discussion, and he did hope the Government would really endeavour to forward the day for its consideration by every means in their power. If necessary, he would even suggest a morning sitting.

MR. CARDWELL said, he was anxious that the Bill should be fully discussed. He had introduced it at the earliest moment, and he had fixed it for the 15th of May, because there was no other Order on the paper. As it was a notice night, he could not say that no Motion would precede it.

Second reading *deferred* till *Tuesday*, 15th May,

LAND IMPROVEMENT (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. HENNESSY said, he rose to move the second reading of this Bill. It only dealt with the third part of the Government measure, and he introduced it because he believed from the frequent postponements of the Bills of the right hon. Gentleman the Secretary for Ireland, that nothing would be done this Session in respect to them. The right hon. Gentleman, the Chief Secretary, had spoken of the improved condition of Ireland, as evidenced by the increase in the number of horned cattle. It might be a proof of the prosperity of the graziers, but must not be taken as a sign of national prosperity when the population was diminishing, and the acreage sown with grain becoming less every year. In 1849 the extent of the wheat crop in Ireland was 687,000 acres. In 1859 it was 464,000 acres. In 1849 the extent of the barley crop was 290,000 —1859, 177,000 acres. In 1849 the extent of the oat crop was 2,061,000 acres; in 1859, 1,982,000 acres. There was the same decrease in the crops of rye, beans, and peas. It was clear that Ireland had not made that extraordinary progress under free trade which the right hon. Gentleman would have the House believe. During the past year there had been an extraordinary falling off in population, and a newspaper in the west of Ireland spoke of the widespread destitution and almost unexampled suffering which, upon the authority of faithful witnesses, was known to exist. The right hon. Gentleman had laid down the admirable principle that they must do in Ireland by process of law what was done by usage and practice in England. He cordially concurred in that principle, and this Bill would carry it into practical effect. It was not carried out by the Bill of the right hon. Gentleman, because the tenant from year to year would have no claim for improvements, unless the landlord had in the first instance signified his consent. In England it was an ordinary circumstance to allow the tenant a retrospective compensation, but in Ireland a statute law was necessary to enable the tenants to obtain it. With regard to that compensation, he had adopted the limit of twenty years, the same as the late Lord Chancellor of Ireland (Mr. Napier) had proposed, and supported by very learned and conclusive arguments; but he understood that an hon. Friend would move to substitute two years, and, as that was a question for Committee, and not one of principle, he should not deem that any Gentleman in voting for the second reading, bound himself to vote for the clause. The Report of the Commission, presided over by Lord Devon, recommended that some law should be passed which would enable tenants to claim and obtain compensation for improvements, and they stated that nothing remained but to pass a legislative measure for the purpose. The Report of the Commissioners was made in 1846, and many years had elapsed and nothing had been done by Parliament. He believed a settlement of the question was further off than ever, and he felt quite

sure that the Bill of the right hon. Gentleman the Secretary for Ireland would not in the slightest degree diminish the agitation which prevailed in Ireland. A tenant who gave up his holding, or was ejected after making improvements with the landlord's consent, was to be paid an annuity at the rate of 7½ per cent on the value of the improvements. If a tenant laid out £50, and two years afterwards was ejected, according to the Government Bill he would be entitled to £3 10*s.* premium for twenty-three years. As a general rule, tenants who gave up in Ireland wanted to emigrate, and he suggested that it would be more convenient to them as well as to their landlords to substitute a capital payment in lieu of the annuity. The measure introduced by the Government of the Earl of Derby was a most excellent Bill and much better calculated to carry out the object in view than the Bill of the right hon. Gentleman opposite. He did not wish to interfere with the rights of landlords. He felt the importance of preserving those rights intact, and he believed his Bill, by inducing the expenditure of £11,000,000 of capital on the land through the security it would afford to tenants would tend to raise the value of land, increase the prosperity of landlords as well as tenants, and raise up better feelings between them. He would not propose such a measure if he did not believe that it was just and equitable—

The hon. Member was proceeding with his speech at a quarter to Six o'clock, when Mr. SPEAKER interrupted him.

Second Reading *deferred* till *To-morrow*.

House adjourned at thirteen minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, May 3, 1860.

MINUTES.] *Took the Oath*—The Lord Onslow.
PUBLIC BILLS.—1ª Customs; Common Lodging Houses (Ireland).

SELLING AND HAWKING GOODS ON SUNDAY BILL.—COMMITTEE.

Order of the Day for the House to be put into Committee read.

LORD CHELMSFORD moved that the House do now go into Committee on the Selling and Hawking Goods on Sunday Bill, and reminded their Lordships that on the second reading of the Bill it had been understood, at the suggestion of a noble Duke (the Duke of Newcastle) that the full discussion of the whole subject should be taken on this Motion. So far from there being any desire to avoid a full and fair discussion it appeared to him that the present was a kind of measure extremely liable to misunderstandings and misrepresentations. Before explaining, however, what this Bill actually was, he would state what it was not. This Bill was not one of those which had from time to time been proposed for the purpose of enforcing a stricter observance of the Lord's Day. Their Lordships were not asked to cope with all the difficulties which must beset such a delicate task of legislation; the experiments that had been made in this matter went to show that it was not possible to legislate so as to compel persons to observe the Lord's Day religiously, or as they ought. All that legislation could effect was to remove out of the way all impediments and obstructions that existed to the proper observance of that day, leaving it then to the conscience of each individual to employ the day as he ought, and leaving it to the influence of ministers of religion and of those good men who helped in such a holy work. The utter futility of any attempt to make men religious by legislation was exemplified in the provisions of that very Act which was the governing Act with regard to Sunday trading. In the preamble of that Act, the 29th Charles II., the Legislature declared, in an authoritative way, that "all and every person and persons shall, on every Lord's Day, apply himself or themselves to the observation of the same, by exercising themselves thereon in the duties of piety and true religion publicly and privately." That solemn invitation to piety had now existed on the Statute book for two hundred years, and with what effect he need not say. Now the Bill which he had brought before their Lordships was not a Sunday-trading prevention Bill. He knew what prejudices would have been excited upon this subject if he had attempted to give the Bill a title which had served on former occasions as a rallying cry for the adversaries of such a measure; he had therefore chosen for his Bill a title exactly adapted to describe its nature and object. The Bill did not introduce any prohibitions

against Sunday trading which did not at present exist by law; it imposed no restraint which the law at present did not impose; but the law being weak and inefficient, in consequence of the defect of the penalties which had been imposed, it was now proposed to strengthen the arm of the law, and make that effective which was now inefficient and powerless. Their Lordships would therefore, he hoped, be willing to consider it not as a Bill of restraint, but of relaxation. Even if its object had been restraint, it was remarkable that this was restraint implored by the great majority of those who would be affected by it, and who had prayed their Lordships by petition to pass a law to repress trading of this description, and leave them at liberty to employ their Sunday in a way which corresponded with the conscientious obligation of some of them, and the inclination of others. This subject of Sunday trading had engaged the public attention for twenty-eight years past. It had been investigated by three Committees—two Committees of the House of Commons, in 1832 and 1847, and one Committee of their Lordships' House in 1850. The evidence collected on the subject was contained in three blue-books, and so of course had been consigned to neglect and oblivion; but in a pamphlet which had been published on the extent, the evils, and the needlessness of Sunday trading, the whole of that evidence was analysed and classified under distinct heads. Their Lordships would be astonished to learn the enormous extent to which Sunday trading was carried on in the metropolis and in its populous suburbs. The witnesses described the appearance of their own neighbourhoods on a Sunday as like a fair. Traffic in every sort of article was busily carried on, and not confined to articles of immediate want or of a perishable kind, but including everything which might be as easily and much more properly procured on other days of the week. The witnesses spoke of the congregation of thousands of people at certain spots, the whole place stirring with mountebanks exhibiting their articles and pickpockets plying their vocation, the whole presenting a scene that would defy description. This evidence applied to a distant period; but there was no reason to suppose that any diminution had taken place in this Sunday traffic since 1850. On the contrary, the other evening a petition was presented by the right rev. Prelate the Bishop of the diocese from the Sunday Rest Association, stating that in certain parts of the Metropolis not less than half the shops were open on Sunday. This estimate might at first sight seem exaggerated; but when they considered that in the most populous districts all or nearly all the shops were open on that day it would not appear to be far from the truth. The existing law was quite powerless to repress this traffic, because the statute imposed a penalty which was utterly ridiculous—namely a fine of 5*s.* which could only be inflicted once in a day, and which, moreover, could not be enforced without proof being produced not merely of the exposure of articles for sale, but of an actual sale having taken place on each particular day, and it was consequently very difficult to procure the necessary evidence. There was one peculiar circumstance which spoke strongly in favour of the Bill. The great majority of persons engaged in these trades carried them on reluctantly on Sunday, and it was their earnest desire that some law might be introduced which would place them all upon the same level and enable them to follow the dictates of their own consciences. Every movement in that direction and every attempt at legislation on the subject had been instigated by these very parties. This was proved by the Reports of the Select Committees, and by the numerous petitions he had himself presented, signed by upwards of 60,000 tradesmen, earnestly imploring their Lordships, for their sakes, to pass a measure of this description. He was not insensible to the difficulties which beset the task he had undertaken. He saw about him the wrecks of former failures, and he was thereby warned not to expect smooth sailing in waters which had been so easily troubled. Nor did he desire to conceal from their Lordships the unsuccessful attempts which had previously been made. Bills for the same object as that of the Bill he now proposed, had been introduced to Parliament at various times from 1832 downwards; namely, in that year, in 1848, in 1850, in 1851, in 1852, and finally in 1855. The Bill of 1850, which in many respects resembled his own, was referred by their Lordships to a Select Committee, who reported upon it; and the Bill, having passed through all its stages, was sent down to the other House; but, in consequence of the lateness of the Session, did not pass. In 1855 the noble Lord opposite (Lord Ebury) proposed another Bill, which, in principle, was also similar to the present one. It

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was affirmed by the House of Commons, having passed a second reading without any division; but when it got into Committee, certain persons interested in its failure contrived to get up an excitement upon the question, and collected Sunday after Sunday large assemblies of persons in Hyde Park. The Government of the day became alarmed, and at their solicitation his noble Friend was induced to abandon the Bill. He thought that the Government taught a fatal lesson to the people, by yielding to a combination such as he had described. If the measure was a proper one, as appeared to be the case from its second reading having been assented to by the House of Commons, it ought to have received the sanction of the Legislature. He was not disheartened, though to a certain extent discouraged, by these former failures; but feeling most deeply the necessity of the measure, and disregarding his own ease and comfort, he engaged in this undertaking, in the earnest hope that he might ultimately prove successful. In this enterprise he found himself assailed from opposite quarters and by totally different descriptions of adversaries. In the first place, a number of pious and excellent persons objected to any Bill which should permit any relaxation of the law as to Sunday trading, regarding it as a legislative connivance at the desecration of the Lord's Day. He would ask these excellent persons were they satisfied with the existing state of things? If not, and if they thought his measure would at least afford to thousands and tens of thousands of tradesmen the opportunity of better employing their Sundays than they now did, he asked whether it was wise to refuse their assent to a Bill, which, as far as it went, proceeded in the right direction, simply because it might not effect all that they desired? The relaxation proposed was forced on by circumstances. Unfortunately the practice of paying workmen their wages late on Saturday nights, still prevailed to a considerable extent. This obliged many poor persons to spend a portion of the Sunday in making their little purchases. He rejoiced, however, that a better state of things was arising. Through the exertions of the Sunday Rest Association, and the Early Closing Society, a general disposition was gaining ground to imitate the practice now adopted in the Government departments, and in many private establishments; namely, to pay wages on Fridays, or, at all events, early on Saturdays. He did not despair of seeing, before long, this custom generally adopted, and then they might remove this objection, by making the prohibition of Sunday trading general. The other class of objectors, he believed, had the support of the noble Lord opposite (the Earl of St. Germans). They objected to any interference with, or attempt to regulate Sunday trading, as an invasion of private right. His answer was easy and obvious. The present law prohibited parties from doing that which his Bill prevented them from doing: it happened, however, that the law imposed so insignificant a penalty, that they could afford to despise or defy it, and carry on their trade with impunity. They could not urge that he imposed any new restraint; the law was rather relaxed in their favour; but the amount of their objection was, that the law was so weak, that it could not enforce its prohibition; and that he was endeavouring to add strength and vigour to the law, so as to make it effective. Then, it was said, this should be a matter of voluntary arrangement among tradesmen. That experiment had, according to the evidence, been frequently tried, but had entirely failed. Why? Because, unless all agreed to close their shops—if four or five out of a multitude of tradesmen chose to keep open theirs—those recusant tradesmen would attract to themselves the whole trade. It was also said that every man should decide this matter for himself, and there was no need of the assistance of the Legislature. This, he was satisfied, would be putting a yoke upon these men which they were unable to bear. There might be some who, from conscientious convictions of the propriety of it, might incur the loss involved by closing their shops on the Lord's Day; but in the great majority of them the claims of family, the eagerness of competition, the certainty of loss if their shops were closed, combined to render the temptation too strong for them to resist; and if their Lordships were to legislate on the subject, they must deal with men as men, making allowance for those worldly influences by which men were ordinarily actuated. They might condemn them for not making the requisite sacrifice; but the appeal was made to their Lordships not to judge of the morality or propriety of the acts which had been done, but by their legislation to open the way by which these men might pursue a different course. Could they conceive anything more prejudicial than the state of things he had described? It not only affected the trades-

men themselves, but thousands and thousands of their servants and assistants. Nor could he help pointing out to their Lordships the evil example of this habitual disregard of the Lord's Day, as an additional incentive to pass a law of this description. Let it not be said that he was legislating against the poor, and leaving the rich alone. If they looked attentively at this Bill, they would find that the relaxation proposed was in favour of the trading which affected the poor, and the liberty it repressed was that affecting the rich. There was no invidious distinction drawn between the rich and the poor. The Bill did not interfere with the Act of Charles II.; it left cookshops, victualling houses, bakeries, and public-houses, as it found them. By means of this Bill he might not directly accomplish what, indeed, was impracticable—making men properly respect and observe the Lord's Day; but he felt confident he would indirectly produce great benefit to the community by releasing thousands of tradesmen from the pressure of worldly interests inconsistent with the enjoyment of the Sabbath. He would extend that blessed rest to thousands and thousands of their dependents and their families; while he took away the evil example of the habitual desecration of the Lord's Day in those neighbourhoods where this traffic was carried on; and he might hope ultimately to produce a healthy state of moral and religious feeling, which would render the Sunday what he desired to see it—a day of cheerful rest, of religious exercise, of innocent and thankful enjoyment.

Moved, That the House do now resolve itself into a Committee on the said Bill.

THE EARL OF ST. GERMANS said, he desired to make a few remarks on this subject, to which he had devoted a good deal of attention. After the very temperate, candid, and able speech of the noble and learned Lord, they must all do full justice to the motives by which he was actuated in bringing forward this Bill. No one was more deeply impressed with the importance of a due observance of the Lord's Day than he (the Earl of St. Germans) was; he also knew that Sunday trading was carried on to a considerable extent in some parts of the Metropolis, and was felt to be a grievance and an evil by many of the inhabitants; But he could not support any Bill for the enforcement of a better observance of the Lord's Day unless he thought it was not likely to introduce greater evils than those it was intended to remedy. If the Bill of the noble and learned Lord were passed into a law it would introduce several anomalies. We should have on the statute book, one statute prohibiting and another legalizing Sunday trading, inasmuch as by an Act which had come into operation in the reign of Charles II., and which remained still in force, it was provided that all persons whatever who should on the Sabbath "publicly cry, show forth, or expose to sale any wares, merchandises, fruit, herbs, goods, or chattles whatsoever," should be held liable to a penalty. That, however, would not be the only anomaly to which the enactment of the measure would give rise; for in case it should become law, that could be legally done in London and fifteen miles round it, which it would be illegal to do in Manchester, Liverpool, or any other town in the kingdom. This he did not think would be a very rational or very satisfactory state of things. Many of those who most earnestly desired that Sunday trading should cease, disapproved of the Bill and had actually petitioned against it. He had letters from several clergymen on the subject, all of which signified their disapproval of the Bill. One of them was written by the Rev. L. Tugwell, incumbent of St. Andrew's, Lambeth, in whose district the New Cut was situate, where Sunday trading to a great extent was carried on. He said:—

"If Lord Chelmsford will boldly shut the shops and put down the abominable street traffic and cries, he will do a wonderful amount of good; whereas, if he takes the other course, of legalizing trading on Sunday morning, it will be a dreadful evil, and things will be far worse than they are now."

He adds:—

"I am quite convinced that the Bill in its present form will within a year or two greatly increase the evil that it seeks to remove."

He would also refer to the evidence which had been given before the Select Committee of their Lordships' House in the year 1850, in giving evidence before which the Rev. W. Champneys, the well known and respected rector of Whitechapel, said, in answer to the question,—

"Do you believe the tradesmen generally would prefer an Act prohibiting the practice of Sunday trading altogether, or one which would limit and restrict it, which would permit it up to a certain hour on the Sunday morning and prohibit it afterwards?—Those with whom I have conversed have been of opinion if you once open the door it will be open altogether; if you leave a single inch open, the door will very soon be as wide open as it is now practically.

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"Why so?—Simply because there would be a difficulty in closing; the same thing which now operates on a Saturday night, in driving purchasing and selling from Saturday night into the Sunday morning, will operate then. The same stream of poor will be directed to the shop at the hour when it is about to close; the same desire on the part of the poor to make the best bargain, and thereby put off to the last moment on Saturday night, will make them put off to the last moment on Sunday morning the purchases which they would otherwise make on the Saturday night; and it would become next to impossible for the shop to close in the face of thirty or forty customers who may be standing outside. It will be more painful, as it appears to me, and more difficult; the police would have more difficulty in enforcing such a measure as that than in closing the shops altogether, those exceptions being allowed which I believe the Bill contemplates. I speak my own conviction of the evil of the case as I believe it would be."

Such was the opinion of Mr. Champneys on the subject, and he might add that since the Bill had been read a second time he had taken occasion to ascertain the views entertained with respect to its probable operation by Sir Richard Mayne, who had informed him that he did not think its provisions could be enforced. Owing to the fact that many of the labouring class worked hard during the week, they would experience considerable difficulty in rising sufficiently early on Sunday morning to make their necessary purchases before 9 o'clock; they would at all events defer making them until the last moment, so that the shopkeepers would find it almost impossible to shut their doors at the prescribed moment against the crowds by which they would be besieged. It had, moreover, been proved that many of the rooms occupied by the working men in the metropolis were so crowded and impure that it was almost impossible for them to keep perishable articles fresh there; they were therefore necessarily obliged to purchase what articles they required for food at the last moment. The noble and learned Lord, however, proposed that the provisions of the Bill should not apply to the sale "of any fruit or pastry, or of any beverage which may by law be ordinarily sold without licence, before the hour of 10 o'clock in the morning and after the hour of 1 o'clock in the afternoon, but without public cry;" but from that category many innocent and popular refreshments were excluded; he should like also to know what was the difference between a public and a private cry. But be that as it might, the endeavour to enforce the provisions of the Bill would be attended with great trouble and annoyance to the police. Let him suppose, for instance, the case of an old woman with a basket of oranges or apples, who happened to be found by a policeman in the streets at half-past 10 o'clock on Sunday morning. Under the provisions of the Bill she would be liable to have her fruit seized and taken off to the police-station. But she might say in her own defence that she lived at so great a distance from the spot at which she was found that she could not go to her home and return before 1 o'clock, when she might expose her fruit for sale again. She was therefore only sitting there waiting for 1 o'clock. The policeman might be satisfied with that explanation and pass on; and the old woman would immediately begin to sell to any one that would buy. Suppose, however, the policeman returned and detected her in the fact; she might then say, "Well you must carry off the fruit if you will; but let the basket alone—there is nothing about that in the Act." So the policeman would have to fill his pockets with her apples and oranges, and take them off to the next station, the whole proceeding taking place in the midst of a crowd who would have probably gathered around her, who would very probably take the part of the old woman, mob the policeman, and create more confusion and scandal than could arise from selling any quantity of oranges between 10 and 1 o'clock. Well, the fruit having been taken to the station, unless the number of apples and oranges were counted by the Superintendent, the old woman would very naturally say that she had been robbed of half the quantity which her basket contained. Next morning she would be brought before the magistrate, to whom she would make a mournful appeal, vowing that she could not possibly pay a fine of half-a-crown; the upshot of the whole affair not improbably being that her loss would be refunded out of the poor-box. The noble and learned Lord stated in the course of his speech that the Bill was intended merely to remove obstructions in the way of persons who were desirous of keeping the Sabbath properly, and was not to be considered a penal enactment. The penalties under it were certainly not very severe; still they were penalties; and the measure could be considered in no other light than a penal statute. The cases of the tradesmen had been much exaggerated. No tradesman need keep his shop open on Sunday. Then working people will deal on week days at

the best and cheapest shop, whether it be open or shut on Sunday—experience has shown this. It is in evidence that many tradesmen have closed their shops on Sunday, and have not lost their week-day custom by doing so. The noble and learned Lord had also referred to the case of the rich. Now, he recollected that in his younger days the Sunday was spent by the richer classes in London in a very different manner from what it was at the present time. It was a common practice to give grand dinner parties on the Sunday; this was no longer the case; but still the working man, in his Sunday walk, might see many carriages driving through the parks and streets, conveying some parties to Richmond and Greenwich; and they would never be able to convince him that there was any difference between his own case and that of the wealthy. The working classes would always view with jealousy any attempt to abridge by legislation what they regarded as their innocent enjoyments, or throw any difficulties in the way of obtaining them. A very strong case indeed ought to be made out for the enactment of a penal statute on this question. Sir Richard Mayne had told him that from the reports he had received from the Inspectors in all parts of the Metropolis, that Sunday trading, if it had not decreased within the last ten years, had not increased; and when they considered the immense growth of the City and the population in this period, the admitted non-increase of the practice was equivalent to a comparative decrease. The noble and learned Lord had referred to the partial success that had attended the labours of societies and of benevolent men who had endeavoured to check Sunday trading. Would it not be better to trust to the growing influence of public opinion, to the improvement in the feeling of the people, and the effect of quiet persuasion, rather than endeavour to suppress the practice at once by a penal enactment, which he must describe the Bill to be? In expressing his views upon this subject he had spoken only for himself, and not for the Government with which he was connected. He trusted no noble Lord would consider this a party question. On the grounds he had stated he had come to the conclusion that it would not be expedient to pass the present Bill, and therefore he now moved that it be committed that day six months.

Amendment *moved*, To leave out ("now") and insert ("this Day Six months.")

The Earl of St. Germans

Lord TEYNHAM said, he should oppose the Bill because he thought it totally impracticable. It was directed entirely against the sellers; but many circumstances connected with the buyers must also be considered. Whatever changes had taken place, such as paying wages on Friday nights or making Saturday a half-holyday, it was acknowledged on all hands that there were still great numbers of people who if they could not buy their food on the Sunday morning could not buy it at all. This Bill would also throw insuperable difficulties in the way of all who arrived in London on Sundays by railroads or steamers obtaining the refreshment they needed. The Act of Charles II. was by no means a dead letter, for, by a Return presented to the House of Commons, it appeared that in Southampton, at the latter end of 1858, four cases occurred in which parties were fined, visited with costs, and two of them were charged with the further expenses of a distress warrant, one person being punished for having sold a pennyworth of apples and two farthing candles. That Act, however, was merciful compared with the measure of the noble and learned Lord. By the Act of Charles a tradesman could only be fined once for trading on one day, but by the noble and learned Lord's Bill he could be fined over and over again. The Bill would entail utter ruin on a tradesman who kept his shop open beyond the specified time, or for the sale of articles other than those specified by the Bill. It was provided that the offender should be liable to a penalty not exceeding 40*s.* and not less than 10*s.* for every separate act of selling, or offering for sale, or exposing for sale and delivery, which might take place on one and the same day; and these penalties were to be adjusted by the justices who tried the case. The Bill was not alone cruel, but unfair; for on what principle of justice could it be proposed to close all the tobacconists' shops on Sunday, while publicans are freely allowed to vend cigars? The sale of meat and fruit would be allowed, but not of potatoes and other vegetables — the noble and learned Lord sanctioned the vending of *pommes*, but forbade that of *pommes de terre*. The operation of the Bill was restricted to the Metropolitan district, so that on one side of the way meat only might be purchased, while on the other vegetables could be obtained. If the noble and learned Lord had such a fancy for returning to obsolete legislation, let him put the Act of Charles II.

into the hands of Sir Richard Mayne, and if that functionary did not prefer resigning his office to enforcing the law, it would be found amply sufficient to put an end to Sunday trading. Irrespective of the discredit brought on God's Fourth Commandment by such trifling, the result must be to injure the traders of the Metropolitan district and to transfer their business to others outside the magic circle. The offensive nature of the measure to the poor and working classes would be productive of much trouble to the Government if it were passed into law, and collisions would inevitably take place with the police if it were sought to enforce its provisions.

VISCOUNT DUNGANNON said, the result of the Bill introduced by the noble and learned Lord was watched with great interest by a large portion of the trading classes. In support of this view he would read a letter which he had received from a tradesman with whom he was wholly unacquainted. It stated—

"I trust your Lordship will pardon the liberty I take in addressing you for the purpose of soliciting your Lordship's aid in support of the Bill in reference to Sunday trading. I have carried on the business of a butcher for the last ten years, and have a wife and five children entirely dependent on me for support. I am obliged to keep my shop open from palf-past ten till one o'clock on Sundays because others do; if I did not, I should lose many customers; and thus have little time to devote to my family, or to attend to my religious duties on that day."

He had reason to know that the sentiments expressed in that letter, which was very ably written, were shared in by numbers of the trading classes; for at present it was utterly impossible for them to pay proper attention either to their families or to the duties of the Sabbath. The Bill, he thought, should be considered in Committee.

THE LORD CHANCELLOR said, he had likewise been honoured by a letter from the same quarter as the noble Lord who had just sat down. He must confess that the arguments which it contained had made a deep impression on his mind. He strongly hoped that the House would not refuse to go into Committee, where endeavours could be made to frame such a measure as would meet an admitted evil, without incurring the odium of unpopularity.

THE DUKE OF MARLBOROUGH thought that the difficulty would be found to consist not so much in answering the objections that had been raised as in the want of unanimity that would be found as to the mode of dealing with the subject. At any rate, the objections that had been raised were not, he thought, sufficiently strong to prevent the going into Committee. Most of the objections were such as could be removed in Committee; and if the Bill were once passed the public would become accustomed to the law just as they had become accustomed to the closing of public-houses. There was a general disposition in this country to bow to the law. Stress had been laid on the statement of Commissioner Mayne, that it would cause great trouble to the police; but considering the large amount of police rates with which the Metropolis was saddled it ought in such a matter to have the benefit of their services. Some remedy was loudly called for to the evils that existed in connection with Sunday trading in the Metropolis, and he hoped, therefore, their Lordships would not refuse to make the attempt to frame a measure which attempted to deal with them.

LORD CRANWORTH said, he was willing to go into Committee on the understanding that very great modifications should be made in the Bill. He supported it solely because the law was at present in an unsatisfactory state: it was extravagant in both directions—it imposed little or no penalty—was calculated to sweep all classes of buyers and sellers into the same net. To one clause, the 7th, which made it the duty of the police to interfere, he must give his decided opposition. He was willing that the police might lodge an information on the following morning; but to permit of bodily interference by them would inevitably lead to riot and tumult, and should have his decided opposition.

THE EARL OF ELLENBOROUGH said, he should be very glad to go into Committee on the Bill if there were any hope of framing out of it a measure which it would be desirable to pass. He desired as strongly as any one to accomplish the object of the Bill, but his fear was that in attempting this they might create a greater mischief than that they were dealing with. He thought it would lead to riot and disturbance; and a noble Lord—always a great authority with their Lordships—had said on one occasion, "I am ready to put down a riot, but I will not provoke one;" and in that spirit he should vote against this Bill.

THE BISHOP OF LONDON had had great difficulty in making up his mind with reference to this Bill; but, being charged

as he was with the spiritual care of so large a portion of the Metropolis, he could not but beg their Lordships to allow the Bill to go into Committee. Those who had petitioned in favour of some such measure were so numerous, and felt themselves to be under such hardships, that he thought the House was not entitled to set aside their petitions. They considered they were debarred from the observance of the Lord's Day, and could see no prospect of being saved from this servitude except by the interference of the Legislature; and he thought under such circumstances Parliament could not refuse at least to make the attempt to provide a remedy. He felt as much as any one how difficult it was to compel a man to the observance of his religious duties by Act of Parliament, and he understood also the objections which might be raised against the Bill on the ground of a difference in the circumstances of the rich and the poor; but he could not help thinking that there were materials in the Bill out of which some satisfactory legislation might be devised, and in deference to those who had expressed their hopelessness of any other relief, he trusted the Bill would be allowed to go into Committee.

EARL GRANVILLE, after congratulating the House on the tone in which the Bill had been discussed on both sides, expressed his opinion that it was undesirable to legislate on the subject in any way. Even if their Lordships were to pass this Bill there was very little chance of it passing through the other House. It had been very satisfactorily demonstrated in the debate that the police ought not to have the duty of carrying out the Bill imposed on them; and if the police did not carry it out it must be a dead letter.

EARL GREY thought that the Bill as it stood was so very doubtful in its interpretation and so imperfectly framed, that although he felt, with the right rev. Prelate who had just sat down, that they were bound to comply with the wishes of the petitioners, and if possible arrive at an improvement of the law, yet in order that Parliament should effectually interfere in the matter, he would suggest that instead of their Lordships going into a Committee of the Whole House, a better course would be to refer the Bill to a Select Committee. That would be a far more advisable course; and then possibly some plan might be discovered whereby the evils at present complained of might in future be prevented.

THE EARL OF DERBY said, he had not been able discover in the observations of the noble Earl the President of the Council (Earl Granville) any reason why he should object to their Lordships going into Committee on the Bill. The noble Earl's objection seemed directed rather against the details of the Bill than its principle. He objected to the machinery by which it was proposed to carry out the provisions of the Bill; but that did not afford any good ground for refusing to go into Committee on those provisions. He (the Earl of Derby) admitted that there was some force in the argument that if the police were required to interfere summarily in the case of a violation of the Act there might be some risk of inconvenience and, perhaps, of collision; but it did not appear that the summary interference of the police was not an essential part of the measure, and in the Committee their Lordships could consider whether the object could not be obtained in some other way—as by summons or information. He had not understood his noble Friend (Earl Granville) to argue that the law as it at present stood was satisfactory. There was at present an absolute prohibition of Sunday trading; but the very strictness of the existing enactment, the difficulty of enforcing it, and the smallness of the penalty which it imposed, rendered it completely inoperative. The noble Earl on the cross benches (Earl Grey) suggested that the Bill should be referred to a Select Committee; but not only had there been several Select Committees on this subject of Sunday trading, but in 1850 a Bill which, though not indentical with this, contained similar provisions, was referred to a Select Committee of their Lordships' House, with a view to the consideration of the Amendments; so that to refer the Bill of his noble and learned Friend to a Select Committee would be to go over old ground. He was rather surprised to find the noble Earl who moved the Amendment quoting the Rev. Canon Champneys as against legislation on the subject; for in answer to a question put to that Rev. Gentleman by the Select Committee of 1850, as to whether there would be any opposition to carry out the proposed law on the part of small shopkeepers or buyers, Canon Champneys said there was a small minority, both among tradesmen and buyers, who would not understand the possibility of receiving the same profit in six days which they had formerly received in seven, but that the great majority of tradesmen would be most grateful for the

day's rest, even without any reference to the religious grounds for an observance of the Sabbath. The Rev. Gentleman further stated to the same Committee that he believed no voluntary exertions would be sufficient to put down Sunday trading. He must also remind the noble Earl (the Earl of St. Germans), if he had forgotten it, or inform him of the fact if he was not already aware of it, that amongst the petitioners in favour of the Bill of his noble and learned Friend was the Rev. Canon Champneys. The Bill of his noble and learned Friend was an attempt to effect a most important though a most difficult object. It was not to compel a religious observance of the Sabbath, but it was a Bill to deliver a large number of tradesmen in this country from a species of slavery. The vast majority of the well-informed and intelligent of all classes were in favour of legislation on the subject, believing as they did that the present law was insufficient for the purpose of preventing Sunday trading. Though the Bill of his noble and learned Friend might be open to some objections and might be improved by some modifications or amendments, it was nevertheless founded on sound, rational, and temperate principles, and for this reason he hoped their Lordships would decide that it should go into Committee—not into a Select Committee, but into a Committee of the Whole House, by whom it may be improved in such manners as to their Lordships might seem desirable.

THE EARL OF ST. GERMANS explained that he had rested his allusion to the Rev. Canon Champneys upon the statement made by that Gentleman, that he believed if the door were left an inch open it would soon be opened altogether. The inference was that the Rev. Canon was against any measure which did not go the length of an entire suppression of Sunday trading.

On Question That ("now") stand part of the Motion ? their Lordships divided :—Contents 55 ; Not-Contents 25 : Majority 30.

Resolved in the *affirmative*.

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Canterbury, Archbp.	Beauchamp, E.
Campbell, L. *(L. Chancellor.)*	Belmore, E.
Marlborough, D.	Carlisle, E.
	Derby, E.
	Effingham, E.
Bristol, M.	Ellesmere, E.
Westmeath, M.	Hardwicke, E.
	Lanesborough, E.
Amherst, E.	Lucan, E.
Malmesbury, E.	Calthorpe, L.
Romney, E.	Castlemaine, L.
Shrewsbury, E. [*Teller.*]	Chelmsford, L. [*Teller.*]
Stradbroke, E.	Colchester, L.
Winton, E. *(E. Eglintoun.)*	Congleton, L.
	Cranworth, L.
Clancarty, V. *(E. Clancarty.)*	Crewe, L.
	Egerton, L.
Dungannon, V.	Overstone, L.
Eversley, V.	Plunket, L. *(Bp. Tuam, &c.)*
Hardinge, V.	Polwarth, L.
Stratford de Redcliffe, V.	Ravensworth, L.
	Redesdale, L.
Bath and Wells, Bp.	Saltoun, L.
Carlisle, Bp.	Somerhill, L. *(M. Clanricarde.)*
Cashel, &c., Bp.	
Chichester, Bp.	Sondes, L.
Hereford, Bp.	Stewart of Stewart's Court, L. *(M. Londonderry.)*
Llandaff, Bp.	
London, Bp.	Stratheden, L.
St. Asaph, Bp.	Wensleydale, L.
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NOT-CONTENTS.

Newcastle, D.	Chesham, L.
Somerset, D.	Dacre, L.
	Dartrey, L. *(L. Cremorne.)*
De Grey, E.	Foley, L.
Ellenborough, E.	Harris, L.
Granville, E.	Hunsdon, L. *(V. Falkland.)*
Grey, E.	
Harrington, E.	Llanover, L.
Saint Germans, E. [*Teller.*]	Lyveden, L.
Spencer, E.	Rivers, L.
	Stanley of Alderley, L.
Hutchinson, V. *(E. Donoughmore.)*	Sundridge, L. *(D. Argyll.)*
Sydney, V.	Teynham, L.
Camoys, L. [*Teller.*]	Wodehouse, L.

EARL GRANVILLE said, it seemed to him that the machinery provided for carrying out the provisions of the Bill was so imperfect that he thought he was right in asking whether the noble and learned Lord intended to introduce any Amendments ; and if so he would suggest that it would be better to postpone the Committee to a future day.

LORD CHELMSFORD said, that although no doubt Amendments would be proposed yet he saw no reason against going on with the Committee at once.

House in Committee accordingly.

Clause 1.

LORD TEYNHAM was understood to object to it.

LORD CHELMSFORD then said, he would adopt the suggestion offered by the noble Earl opposite, and agree to the postponement of the Committee, being anxious that all the clauses should undergo the fullest investigation.

House *resumed*, and to be again in Committee on *Monday* next.

SALMON FISHERIES (SCOTLAND).

SELECT COMMITTEE.

THE DUKE OF NEWCASTLE moved,—

"That a Select Committee be appointed to inquire, Whether, having regard to the Rights of Property of the Crown and Individuals in Salmon Fishings on the Sea Coasts and in Rivers and Estuaries in Scotland, it was just and expedient that any and what Legislation should take place for the Regulation of such Fishings so far as regards the Use or Prohibition of Bag Nets, Stake Nets, Cruives, and other fixed Nets and Engines, and so far as regards Close Times or otherwise."

The noble Duke said that the question was one of such difficulty and importance that he thought it ought to be the subject of inquiry before a Committee of their Lordships' House. By the law of Scotland the right to fish for salmon belonged to the Crown; but certain rights had been from time to time granted to individuals. As regarded rivers that right had never been disputed, and a question having arisen as to whether it extended also to the sea fisheries, their Lordships last year, upon an appeal from the Court of Session of Scotland, decided in the affirmative. The rights of the Crown were of considerable pecuniary value, but the general interests in regard to these fishings also required to be taken into account. While the litigation to which he had referred was pending it was impossible that there could be any general legislation on the subject; and in the meantime the Office of Woods had offered leases of two years to all parties willing to take them. Under the existing state of the law with respect to the use of cruives, bag nets, and stake nets, the quantity of salmon had been greatly reduced in almost every river in Scotland. Between the 14th of September and the 1st of February salmon were not allowed to be caught. A private Bill had been introduced to regulate the Ness and the Beaulay salmon fisheries, the effect of which would be entirely to destroy the rights of the proprietors of the sea fisheries. A similar Bill had been brought in for the Thurso fishery, and afterwards withdrawn; but its promoters proposed to introduce it again next Session. It was felt to be improper that the rights of the Crown and other proprietors should be interfered with by private Acts; and the Government were of opinion that whatever legislation took place on the matter should be general in its character. The proprietors themselves agreed that that would be the proper course; but, before it was adopted, conflicting rights must be reconciled. There was no mode by which that could be so fairly or effectually done as by a Committee of their Lordships' House. He understood the promoters of the Ness and Beulay Bill were prepared to suspend their measure till the Committee which he proposed had reported. General legislation on this subject had been beneficially applied to Ireland, where it had been found desirable to establish some central control over these fisheries. That power had been intrusted to the Board of Public Works, and its exercise had given general satisfaction. The Committee would, therefore, consider whether the extension of that system was necessary for Scotland. Considering the valuable character of these fisheries, and the employment they afforded to a large number of people, he thought their Lordships would consider that he had not over-rated the importance of the subject. The noble Duke concluded by moving the appointment of a Select Committee, the Members of which, he said, would be impartially selected.

LORD ABINGER thought that legislation was necessary, and remarked that since the adoption of stake nets the number of boxes of salmon annually sent to London had diminished one-half.

Motion *agreed to.*

Committee to be named *To-morrow.*

And on the Morrow, the Lords following were named of the Select Committee:

D. Richmond.	V. Eversley.
Ld. Steward. (*E. St. Germans.*)	L. Colville of Culross.
	L. Polwarth.
E. Malmesbury.	L. Stewart of Stewart's Court. (*E. Moray.*)
E. Cawdor.	
E. Ducie.	L. Colchester.
E. Innes. (*D. Roxburghe.*)	L. Lovat.
	L. Lismore.
V. Hutchinson. (*E. Donoughmore.*)	L. Wrottesley.
	L. Stanley of Alderley.

REMOVAL OF IRISH POOR.

PETITION.

THE EARL OF DONOUGHMORE *presented* a petition from the Board of Guardians of the Nenagh Union, and begged to call attention to the laws for the removal from England and Scotland of the Irish poor. According to a law enacted in the reign of George II., Irish paupers found in England were liable to be transported; and in the same spirit of legisla-

tion now, persons of Irish birth found begging might be taken before a magistrate, who could transport them to any one of a certain number of ports in Ireland—not to the place of their birth—thence to find their way to their own parish as best they might. A Committee of the House of Commons sat on this subject in 1854, which recommended certain modifications, which would undoubtedly be improvements, and very much soften the rigour of the law. Since that period, however, nothing had been done; and he hoped to hear from the noble Earl opposite that Her Majesty's Government had considered the matter and would be prepared to bring in a Bill on the subject.

EARL GRANVILLE said, the evils of the present system arose from the fact that a different law of settlement prevailed in England and Ireland, neither country being willing to adopt that of the other. Her Majesty's Government were about to move for a Committee in the other House of Parliament to consider particularly two points — the reduction of the number of years' residence necessary to acquire a settlement of this country, and also the existing area of parishes or unions in Ireland. He hoped that Committee would report in time to enable the Government to introduce a measure on the subject during the present Session.

House adjourned at Eight o'clock till To-morrow half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 3, 1860.

MINUTES.] NEW MEMBER SWORN.—For erks, Richard Benyon, esquire.

PUBLIC BILLS.—1° Nuisances Removal and Diseases Prevention.

2° Representation of the People; Exchequer Bills (£13,230,000).

3° Ecclesiastical Courts Jurisdiction.

THE GUNBOATS.—QUESTION.

MR. LONG said, he would beg to ask the Secretary to the Admiralty, Whether it is the intention of the Government to replace immediately the Gunboats now stated to be in a rotten condition, and, if so, whether any addition to the Naval Estimates will be necessary?

LORD CLARENCE PAGET said, the repairs of the gunboats had cost a more considerable sum than was anticipated, but in the Estimates the Admiralty had taken a sum for repairs, and there was also an item for gunboats, so that it would not be necessary to propose an addition to the Estimates in consequence of these larger repairs.

THE WAKEFIELD ELECTION COMMISSION.—QUESTION.

MR. EDWIN JAMES said, he wished to ask the Attorney General, Whether any proceedings, civil or criminal, has been commenced against the persons implicated in the Report of the Wakefield and Gloucester Commissions; whether the intention of the hon. and learned Gentleman has been directed to the period (April, 1859) when those offences were committed; and whether he is of opinion that the limitation of proceedings under the Corrupt Practices Act, applied to civil proceedings only, or included criminal proceedings as well?

THE ATTORNEY GENERAL: Sir, I am very much obliged to the hon. and learned Gentleman for putting this question, for it has just been communicated to me that some persons imagine they have discovered that these delinquents can escape. I can only assure the Gentlemen who think so, that they have succeeded in finding a mere *nidus equinus*. Now, Sir, it was never my intention to proceed against these persons for any penalty, pecuniary fine, or forfeiture. I stated clearly that I should bring them to the bar of a Criminal Court. The offence they have committed is first of all a misdemeanour at Common Law, to which I would resort if there were any difficulty under the statute. But the statute leaves no doubt upon the subject to any informed person who will take the trouble of reading it. It enacts in the clearest manner that not only shall the offence be punishable by penalty, and that the party committing it shall be liable to forfeit £100, but that he shall also be guilty of a misdemeanour; and when the fine is imposed the language of the sections limiting the fine for recovering the penalty is applicable only to civil, and not to criminal process. It is impossible for the most morbid ingenuity of a lawyer to strain the language of the statute so as to bring the criminal offence or the criminal proceedings within the limit of twelve months. I intend, therefore, and I have given directions accordingly, that criminal informa-

tions shall be filed, first against the two chief delinquents—namely, the two candidates, Mr. Leatham and Mr. Charlesworth, and then against the principal persons who abetted them in their respective proceedings.

NORTH AMERICA.—THE ISLAND OF SAN JUAN.—QUESTION.

MR. SEYMOUR FITZGERALD said, he would beg to ask the noble Lord the Secretary of State for Foreign Affairs, Whether he is prepared to give the House any information as to the present position of the negotiations between this country and the United States with reference to the Island of San Juan; and whether he has any objection to lay the Correspondence with the United States Government on that subject upon the Table of the House. He wished further to ask, although he had not given notice of his intention to do so, what is the present condition of affairs as to the occupation of, and jurisdiction in, the Island of San Juan, in consequence of the arrangements made with General Scott. He also wished to know whether the noble Lord has received any counter proposition from the United States, and whether he has made any other proposition to the United States in consequence of the compromise which he proposed having been rejected. Would the noble Lord also state what is the nature of the compromise that has been rejected by the United States?

LORD JOHN RUSSELL: Sir, with respect to the last question I cannot properly give an answer at present, for it would not be convenient to explain now the nature of what the hon. Gentleman calls the compromise we proposed, which we think was fairly in accordance with the terms of the Treaty in 1846. The present state of the question is this:—Her Majesty's Government made a proposition in August last which was refused by the American Government, they stating over again their claim to the channel which they had originally claimed soon after the Treaty. We intended to reply to that, and there was some question whether the American Government would give any reply to our despatch, but the last intelligence I received was that General Cass expected to receive orders from the President to prepare an answer to our despatch. It depends upon the terms of that answer whether I can lay the correspondence on the Table, or whether some further reply on the part of Her Majesty's Government may not be necessary. As to the state of the occupation of the Island of San Juan, the House is aware that General Harney thought it necessary to place 800 men and a battery of guns on the Island. General Scott was sent there with orders from the President to use his own discretion, on the basis of Mr. Secretary Marcy's despatch, which is well known to hon. Members. General Scott, acting in the spirit of that despatch, immediately sent away from the island all but 100 men, and declared that neither party ought to have exclusive jurisdiction while the question was pending. He also sent away the guns, and informed the Governor of Vancouver's Island and our Admiral of what he had done. The Governor of Vancouver's Island did not consider himself authorized to enter into any compromise or agreement with General Scott, not having had any orders from home. Orders have since been sent to the Admiral to land 100 marines—the same number of men which the United States had placed on the island. As I have said before, the Government thought this was entirely in accordance with what the American Government had stated on this point, that while the matter was in discussion and under controversy, there ought to be no exclusive jurisdiction exercised on the island. There has been some doubt in the mind of the Governor of Vancouver's Island whether the English ought not to have a magistrate on the island. What the present state of things is at present I cannot tell; but what I have stated is the latest intelligence which Her Majesty's Government have received.

CHARGES ON OPERATIONS IN WAREHOUSES.—QUESTION.

MR. CAVE said, he would beg to ask, Whether the charges on Operation in Warehouses (Resolution 22, Customs Acts), which are generally supposed to have been withdrawn, but which are again printed in the notice paper, are really withdrawn or not.

MR. LAING said, the Resolutions were withdrawn, and their reappearance in the notice paper was a mistake.

REPRESENTATION OF THE PEOPLE BILL.—SECOND READING.

ADJOURNED DEBATE. SIXTH NIGHT.

Order read, for resuming Adjourned Debate on Question [19th March], "That the Bill be now read a second time."

The Attorney General

Question again proposed.

Debate *resumed*.

MR. MACAULAY said, he had been referred to in the course of the debate as the only Member who had supported the Bill of the late Government, and it was, perhaps, thought that he should be inclined to be guilty of a similar eccentricity with regard to the measure now before the House; but he could assure the hon. and learned Gentleman, Mr. Denman, that he had no such intention. The topic which had chiefly engaged the attention of the House during the present debate was the borough franchise, and to that he should confine his observations. If he understood the noble Lord who introduced the Bill, it was not on the ground of an imaginary compact at the time of the passing of the Reform Bill, that if the labouring classes would assist the middle classes in passing that Bill, the middle classes would by-and-by support the working classes in their endeavours to obtain the franchise also; but in order to remedy the newly-discovered defects in the former Act, that the present measure was introduced. For a number of years the noble Lord was not sensible of these defects. He believed that the noble Lord was not aware that the Act of 1832 was opposed to the spirit of our ancient representative system. It was laid down as a principle by Sir James Macintosh that "the distinguishing characteristic of English representation is variety of franchise. A uniform qualification must either be so high as to exclude truly popular election, or so low as to let in a greater portion of the evils attending on universal suffrage." The intention of the Reform Bill, no doubt, was to introduce a franchise which would include the higher and middle classes, just touching also the stratum beneath. The evil of the Reform Bill was that it did not admit the working classes; and the great and cardinal difference between the two sides of the House was upon what principle that defect was to be cured. The noble Lord, in introducing his present Bill, had said that the representation of boroughs where there was no special charter or franchise was in the hands of the payers of scot-and-lot being resident householders; but it should be understood that scot-and-lot voters and resident householders were totally different things in ancient times and now. In ancient times the presumption of the law was that the payer of scot-and-lot was the owner in fee simple of the house he occupied; and the fact corresponded in a great degree with that presumption. But the term "householder" at the present day expresses no such thing. In fixing the borough franchise at £10 in 1832, the intention was to adapt the old franchise to the altered circumstances of the times. Before the Reform Act there was a great variety of franchises, which had disappeared under the auspices of the noble Lord. There were boroughs with close corporations representing the wealthier middle classes; there were populous boroughs with numerous constituencies of householders; there were boroughs with constituencies of freemen; there were boroughs with burgage tenures; there were boroughs with freehold constituencies; and there were nomination boroughs. The result was a reflection in the House of the whole of the feelings and interests of the country; and the change contemplated by the Reform Bill was to change the indirect for the direct system of representation. It was never intended that the power should be transferred from one class to another; but only that direct should take the place of indirect representation. It had been said that the £10 qualification did not adequately represent those below the class of small shopkeepers; but it had been untruly, that was inaccurately, stated that it did not represent the working classes at all. He was of opinion, founded on his knowledge of a populous town, that, as a matter of fact, among the occupiers of £10 tenements there were large numbers of persons living on weekly and monthly wages. In his own constituency, Cambridge, consisting of 1,800 voters, there were several hundreds of that class. Unhappily, it might also be said that in most populous constituencies there were a considerable number of persons who were extremely poor. Many hon. Gentlemen knew that the receipt of parochial relief operated as a disqualification for the franchise; and that there were about the country political clubs who subscribed funds in order to prevent their partizans, on the one side or the other, from going to the parish and so becoming disqualified. Yet it was said that a constituency with the £10 qualification was a too aristocratic body. Asserting, as he did, that labour and also poverty were represented in the £10 franchise, he was prepared to admit, and he did admit, that below the £10 occupation we were likely to find a class or a stratum of persons who were not only as respectable, but even more respectable, than those who occupied the £10 houses.

[*Sixth Night.*

But how to get at that class was a local question to be decided in the different constituencies, and according to the character and the circumstances of each town. It ought, therefore, to be the object of any Reform Bill to give a separate charter or franchise to each town that was affected by it; and he was at a loss to understand why all the boroughs in England should be constituted upon a charter which continued the same monotonous uniformity of franchise. The noble Lord proposed by his Bill to remedy this admitted defect by lowering the franchise from £10 to £6; but his (Mr. Macaulay's) belief was that such a step would only have the effect of making the Bill obnoxious to the same objection, only in a much more aggravated form than in the Reform Bill of 1832. The noble Lord had based his Bill on two foundations. The first was the argument that the persons he proposed to qualify were all industrious, thrifty, and independent. The second was those rather questionable statistics which were *sub judice* in "another placed." He altogether disapproved of the argument *ad invidiam* which had fallen from a Gentleman whose knowledge of Parliamentary rules must have told him that he had no right to hold such language in presenting a set of petitions. He supposed the object was to damage hon. Members in the eyes of the constituencies before whom many of them would shortly have to present themselves for re-election. But he would tell the hon. Gentleman that his experience of those who would hoot and pelt them on the hustings, according to the whim of the moment, was that when one got them into a room there was nothing they liked so well as plain speaking, from men who would tell them to their faces that they doubted their capacity to make laws for the country. He (Mr. Macaulay) did not fear the loyalty of the working classes, but he did fear for that country which was to be influenced by those who had given the House special reasons why we should not fear the working classes. The most convincing argument that had been produced why the working classes might be trusted with the franchise was brought forward by an hon. Gentleman opposite, who said that when Her Majesty went to Leeds there was an enormous crowd of working men, and that not a disorderly or disloyal word was uttered on the occasion. Why, asked the hon. Gentleman, were they afraid that such men would dethrone a Queen? Thirty years ago he heard a Gentleman express a fear that the £10-pounders would break into his bank, and some were like him in the present day. Nobody doubted the good feeling and the loyalty of the working classes; but clearly that was not the question. If it was out of the power of the Government to enter into the particular circumstances of each town, it was at least within their competency to make certain broad and general distinctions between certain classes of constituencies; for it was now at last determined that there should be divers classes of constituencies, if not divers franchises in the same constituency. He was in favour of a multiform franchise with respect to the character of the constituencies; he was also in favour of a multiform qualification with respect to the constituency itself. The great difference which arose in this question of the borough franchise was whether the class which was sought by the noble Lord in respect of their personal attributes, personal abilities, and personal fitness, were to be found by this test of a £6 occupation. Now, the principle of the Bill of the late Government was the principle of selection, whilst the principle of the present measure was that of indiscriminate admission; and he confessed that he did not understand the ground for supposing they could settle the question by fixing a rental of £6, or comprehend the difference for this purpose between £6 and £10 a year. In fact, he believed that if they attempted to settle it on the principle of this Bill they would be simply laying ground for a new inquiry and a fresh agitation next year. He had heard with great pleasure the vigorous speech of the hon. Member for Berkshire (Mr. Walter) the other night; but in the notice which he took of the Bill he must say that he disagreed with the hon. Member. The hon. Member said "We all want the same thing. We want the industrious, the capable, and the independent artisan and workman;" and he added, "but whether he is to be admitted by lowering the renting qualification or by fancy franchises is a matter of detail not of principle." Now, it was because he (Mr. Macaulay) thought that it was a matter of principle, and not of detail, that he preferred it to the principle of this Bill, which was the principle of indiscriminate admission. The measure of the late Government, however, whilst it contained that principle, did not contain details enough, either in point of number or liberality, to effect that object. Nevertheless, it did

contain the principle, and he only regretted that it did not go into Committee, in order that the principle might be fully, fairly, and freely discussed. It was possible, he thought, to have hung the two principles together, and that the introduction of a class of persons renting at a lower value might have been accompanied by the introduction of others possessing those personal qualifications which he thought so desirable to obtain. What he wanted was a test by which to ascertain the character of the man. Instead of bringing the qualification down to the man, he would hold it up as something which a man was to rise to and to attain. That he thought was one of the most effective means of securing a high personal qualification; and the application of the principle of personal qualification was but reverting to the principle upon which the most popular qualification of olden times was based. The principle of the qualification of freemen was actually in practice in Coventry, and so impressed was the right hon. Gentleman the Member for that city (Mr. Ellice) with its excellence that rarely did the right hon. Gentleman rise in this House to speak upon any subject whatever but they heard of the freemen of Coventry. What was that franchise? Why, that the man who had served a seven years' apprenticeship with one master in that town, and received a certificate of conduct and character from that master as a good and true man, was at once admitted a freeman; and he could only be deprived of this franchise by some *laches* or misconduct of his own. Now, to such a franchise as that—so to be attained, and so only to be lost—he (Mr. Macaulay) was perfectly willing to give his assent and support. Again, there was the qualification which the noble Lord himself proposed in his Bill of 1854, arising from residence and the receipt of annual wages. Why had the noble Lord dropped that provision? Why was all legislation on this subject to be for those who were in receipt of weekly wages? Why did he not renew his former proposal to qualify persons resident in boroughs and in the receipt of £100 a year? At that time, too, the noble Lord proposed a qualification for borough residents in the receipt of £10 a year from the public stocks. Why had this not been reproduced? He further inserted a qualification for the payment of direct taxes. This, also, had been omitted from the present Bill. It could not be denied, moreover, that that measure, of which Mr. Bright was so decided a supporter, did not come up to, but was rather in contravention of the theories and principles which had been expounded in that hon. Gentleman's speeches. He was almost ashamed to refer to the hon. Member for Birmingham, whose name had been so often brought before the House in the course of the debate; but the hon. Gentleman had stated in public that a £6 qualification, without giving equal elective power to each voter, and in the absence of the Ballot, would be worthless. He had propounded a parochial franchise, which he seemed to like for the sake of its uniformity, its antiquity, and its constitutional character. What, said the hon. Member, is more laudable than a parish-rating franchise? He did not appear to remember that the parish franchise was one that would yield to the voter an influence proportionate to the value of the property which he occupied. Now, if this question of extending the franchise would receive a *quietus* by every rated occupier having the right to vote for Members of Parliament, was the hon. Gentleman prepared to give the man the same amount of influence at a Parliamentary election that he now exercised in an election for guardians of the poor? There was plainly no other test in his case than that of paying a certain rental and the accompanying taxes. Now, in that view of the case, why should not the power of voting rise according to the increased wealth, and the increased influence of the voter? It was quite certain that the country would not tolerate, and that the noble Lord was not about to carry a measure that would simply and crudely add 200,000 or 300,000 persons of a particular class to the present list of voters, and at the same time perpetuate all the inequality and unfairness of the Reform Bill. The first recommendation of any measure of Reform should be that it held out a fair and reasonable hope of permanence by reason of its containing within itself the elements of stability. But if he were not greatly misinformed, a considerable party in this House, without whose support it would be impossible for the noble Lord to persist in his Bill for a single day, accepted the measure grudgingly, and with the avowal that this Bill was for them but the commencement of a new agitation. Was that so or was it not? He wished to have the question answered. He did not put it offensively. The hon. Member for Birmingham had already spoken in this de-

bate; he was, therefore, precluded from addressing the House again; but some hon. Friend of his might answer the question for him. Had not the hon. Member said this:—"I will be content with a rating suffrage, but do not let me prejudice the case of those of you who would have manhood or universal suffrage. Go with me for what I think it advisable to ask, and I will go with you as far as it is reasonable or possible to go in the extension of the suffrage?" The hon. Member shook his head; if he had expected that he would have brought down the pamphlet containing the hon. Member's own words, and which he had been reading not more than an hour ago. But he certainly did state it at Bradford or some other place, where he was obviously surrounded by an audience of manhood suffrage or universal suffrage people; and in order to render his advocacy of a rating franchise palatable to them, he told them, "If you back me up in this, it is without prejudice to my going with you to the full extent; for no suffrage can be too large for me." [Mr. BRIGHT again dissented.] Well, were the hon. Gentleman and his friends prepared to open or to go along with a new agitation next year for a still further extension of the suffrage? Were not their political interests, in fact, bound up with those of the parties who were in favour of manhood or universal suffrage? He judged by the nature and number of the petitions which had been presented to the House. The other day the hon. Member flaunted in their faces the petitions upon the table for the total and immediate abolition of church rates, though he did not say how they had been got up. He stated that there were 500,000 or 600,000 signatures to those petitions—he would not stand for a hundred thousand or two either way. Would the hon. Gentleman refer to the Report of the Committee on Petitions, and inform the House what proportion the petitions in favour of this Bill bore to the petitions in favour of manhood suffrage, vote by ballot, and equal electoral districts? He very much doubted if the hon. Member would find more than a half dozen altogether, including that from the immaculate corporation of Norwich, in favour of the Bill; whilst popular support given to the Bill out of doors was derived from those societies which favoured political views that a few men only were found to encourage in this House. The other night the Chancellor of the Duchy of Lancaster said, "If you do not approve of this measure, why not move an Amendment, and divide the House on the second reading of the Bill." But Amendments of that sort were only moved at the beginning of a debate, and after due notice had been given. ["Move!"] Of course an Amendment could be moved at any time; but that was not the usual practice. If, however, it had been given notice of, he should have felt it to be his duty, and he should have performed it with alacrity, to vote, though doubtless in a minority, in its favour. But the course which the debate had taken to his mind vindicated most amply the foresight of those who had determined to prefer a free discussion to a division on a party Amendment. The House had experience in 1859 of what was the effect of moving a party Amendment on a measure of this sort, and of putting in issue the existence of a Ministry instead of the merits of a measure of reform. Why, one-half the Gentlemen who formed the majority in the last Parliament, would gladly have seen the Bill of Lord Derby's Government considered in Committee of the Whole House; but the issue then raised was one upon which it was impossible to obtain either a verdict, or even a full and free expression of opinion, upon the merits of the measure itself. Now, supposing a similar course had been taken by my hon. Friends on this occasion, what would have happened? Suppose the second reading had been opposed—would the House have had an opportunity of hearing the instructive arguments of the hon. Member for Edinburgh (Mr. Black) the vigorous invective of the hon. Member for Salisbury (Mr. Marsh), or even the speech of the hon. Member for Berkshire (Mr. Walter). He thought not; indeed, he was sure not. The House would have lost those valuable speeches; whilst the Opposition would not have gained their votes. Again, there was the hon. Gentleman the Chairman of Committees (Mr. Massey). Why, the merest feeling of etiquette—not to say attachment to his party—would have compelled him to suppress a speech that was absolutely conclusive, and which was followed by a notice that was intended to be destructive of the Bill. There was also the hon. and learned Member for Marylebone (Mr. Edwin James); if this had been made a party question the House would have heard nothing of those alarming statistics which he had produced to discredit a measure to which, with admirable consistency he nevertheless continued to give his firm

and ardent support; but stern duty and a love of truth had compelled the hon. and learned Member to bring forward those facts, although they did tend materially to the discredit of the Bill. The present debate had disclosed this fact, that the opposition to the Bill was not the growth of that (the Conservative) side of the House. And he hoped that when next a Minister rose to put the question, "Why not move an Amendment?" he would address it, not to Members of the Opposition, but to the Gentlemen immediately behind him. Was it to be doubted that those hon. Gentlemen who had spoken in a sense that was adverse to the main details of the measure, also spoke the voices of their own constituencies? Was it to be doubted that that which was proved to be the clear and unanimous feeling of moderate men on both sides of the House was also clearly shown to be the feeling and convictions of the country? Would any Gentleman rise and quote in this House the name of any considerable Statesman who gave even an ostensible countenance to the Bill? Would he cite the name of any distinguished person, be he writer, thinker, or public man, who regarded it with the least favour? On the contrary, he (Mr. Macaulay) ventured to say that in private society, as well as in the purlieus of this House, the measure was talked of with universal dislike and suspicion. He invited Her Majesty's Ministers, then, to reconsider this question in the interest of the measure itself, and in the interest of the nation, as well as in the interest of their own credit and reputation. If they had ascertained that the mature and instructed mind of that House was opposed to the measure let it be withdrawn. Neither the noble Lord nor his colleagues would thereby incur discredit or peril, for the House had taken upon itself the duty of relieving them of the embarrassment into which they had fallen. He hoped and trusted that that course would be followed. That the Bill could be carried with a high hand through Parliament was not to be supposed for a moment. Twice before the noble Lord had given a pledge on this question, and had redeemed his pledge by the introduction of a Bill which he had afterwards withdrawn. But it was not the fault of the noble Lord that he had not been able to persuade his colleagues and his party to give him that cordial support which would alone enable him to carry such a measure with satisfaction. The noble Lord had a strong personal attachment to this subject, and, as the sole author of the Bill, it was but natural he should take a peculiar interest in its career. Indeed, his affection for the measure had been not been inaptly compared to that which parents often lavish on deformed offspring. The opinion of the House and of the country had been fully expressed on this question, further information of an important character was likely to be obtained, and he submitted to the noble Lord that the measure might very fairly be allowed to stand over for the consideration of Parliament to another occasion. He thought it would be well that the same House which had so recently sanctioned the Budget of the Chancellor of the Exchequer should sustain the labour, responsibility, and glory of dealing with that deficit of 1861 which had been so gratuitously made. He held that the scheme of the right hon. Gentleman was mainly indefensible on that ground that, while it enacted the destructive part of a financial revolution, he did not invite the same Parliament to share the responsibility of carrying out the reconstructive portion of that revolution. It was on no light grounds, therefore, that he called on the Government to employ the present Parliament on that task, and not to intrust it to those who would be elected under such a Bill as this.

MR. GREGORY: Sir, I shall follow the example of almost every one who has addressed the House, and avow that I accept with a feeling of resignation, rather than with thankfulness, the second reading of a Bill for which not ten Members out of every 100 in this House have any inclination, and upon which I am fully confident that forty out of every fifty look, in their hearts, with disapprobation and alarm. One of the causes of what I may call the dissatisfied assent which tolerates the second reading of the Bill, arises from the feeling among hon. Members that there ought to be a settlement of the Reform Question—that we ought to have, if not finality, at all events, some quiescence on the subject of Reform for twenty or thirty years to come. I acknowledge that if I could look upon this measure in that view, I should range myself among the supporters of the Bill; but when I remember the Resolutions that were passed at that Manchester meeting, of which so much has been said, the closing part of the speech of the hon. Member for Huddersfield (Mr. Leatham), in which he said he accepted this measure as only an instalment, and a very small instalment, of what is to come. I can-

not indulge in the expectation that we shall, by adopting it, put an end, for any considerable period, to the renewed discussion of this question. When, moreover, I remember the language of the hon. Gentleman who sits below me (Mr. Bright), when he tried to assure hon. Members opposite of the moderate changes which were likely to take place in the borough constituencies, I cannot resist the conviction that the anomalies which will be established by this Bill will be greater than the anomalies complained of in the present system; that the disproportion between small and large constituencies will be aggravated; and that the advocate of equal electoral divisions in the next Parliament will be furnished with arguments ten times stronger than any he can use at present. My first objection to the Bill, then, is, that it involves no principle of permanent satisfaction whatever. My next objection is, that it will have the effect of recruiting the numbers who are to be added to the constituency all from one, and that the lower, stratum of society. My hon. Friend, the Member for the Tower Hamlets, has shown us that every working man, not in receipt of parochial relief, who pays 2*s*. 6*d*. a week for his house, may become possessed of the franchise. My hon. and learned Friend, the Member for Marylebone, also has pointed out that the number to be added to the electoral roll will be very much larger than is contemplated by the author of the Bill. It has been stated in more than one quarter, and I have never heard the statement contradicted, that in thirty boroughs the number of the constituencies will be augmented from 100 to 300 per cent: and it has been shown, further, that the great proportion of the new electors will be chosen from the £6 and £8 householders—the lowest class of voters. I am aware that the noble Lord, the Member for the City, has described the calculations of my hon. and learned Friend as simply ludicrous; but I am given to understand that evidence has been brought forward in "another place" which tends very much to corroborate them. But, even if he be incorrect in his statement, it is at least perfectly clear that the numbers who are to be added to the electoral roll will belong to that class of voters who are the poorest, the most deficient in education, and the most exposed to corruption and pernicious influences. The noble Lord, however, intimates that he attaches little weight to that objection, and tells us that though the masses may be bad judges of political questions, they are still good judges of political men. Well, if the masses are such good judges of political men, I want to know why you stop short at £6? Every word uttered by the noble Lord on that head is as applicable to universal suffrage as it is to the admission of the six pounders; and when the noble Lord refers to the election of Mr. Huskisson at Liverpool as an instance of the excellent choice made by the masses, it is, after all, only a repetition of the old argument in favour of rotten boroughs. In 1832 these were called the nurseries of rising Statesmen, and attention was drawn to the great men who had been returned as representatives by Gatton and Old Sarum. It is the same argument which has been used to defend every abuse in the army, in the navy, in all public departments. Because you have got a great General, or a great Admiral, or a great public administrator, under a particular system, you are asked to believe it is because of, and not in spite, of it. I do not agree with my hon. Friend, the Member for East Norfolk (Mr. Bentinck), in understanding that the noble Lord, when he spoke the other evening of the scenes that preceded the Reform Bill of 1832, of the riots at Nottingham and at Bristol, meant in any way to intimidate the House; but I think that the noble Lord, in order to make us anticipate the probability of these occurrences happening again, ought to have gone further, and to have shown us that the state of the country in 1860, is identical with what it was in 1832. He ought to have shown us abuses existing in every department, favouritism triumphant, pensions conferred on women for naughty things they had done, and on men for good things they had left undone. Again, when the noble Lord told us, with a feeling of exultation, of the many valuable measures which the Parliament had passed since the period of the Reform Bill of 1832—such as the reform of the Irish Church and of the Municipal Corporations—he ought, if he wished to give completeness to his argument, to have gone further, and have shown that the oligarchical and unpopular character of Parliament, as at present constituted, has prevented the passing of other measures of great public utility. But I do not think that measures to abolish the House of Lords, to do away with the Church Establishment in England, and to base the whole taxation of the country on accumulated capital, are likely to receive the sanction of the House, and,

as those are the only measures which will be obtained by a complete change of our constitutional system, the parallel which the noble Lord has attempted to draw between the good things which followed the Act of 1832 and the good things which will follow the passing of this Bill wholly fails. To go back to the subject of the class from which we are to recruit the electoral body. At the commencement of this debate the hon. Gentleman the Member for Birmingham made a remark in order to satisfy the House of the capability of the working classes to receive the franchise. He told us he was taken through the exhibition rooms of Messrs. Watts, at Manchester, and was there pointed out all the beautiful productions of manufacturing industry. True to his instinct and the one idea ever ruling his thoughts, he tells us, he said, "Can it be possible that the men who made these things have not the franchise?" [Mr. BRIGHT: I said that not one in fifty had the franchise.] But though the reflection may have been characteristic of the hon. Member it would not have been the reflection of another champion, and with all due respect a more deeply reasoning champion, of democracy. If the hon. Gentleman had read a memorable chapter of M. de Tocqueville's book on America he would have seen that a far different train of thought would have suggested itself to him. He would have seen that what was exhibited at Messrs. Watts' was no proof of the capability for the franchise of those who made such things. M. de Tocqueville in his speculations whether an aristocracy can ever rise in America, arrives at the conclusion that it may, and that not in the agricultural States, nor in the south, but in proportion as the manufacturing communities increase. It is the very dexterity, the perfection of finish which the hon. Gentleman admires that fills him with alarm, because it is derived from division of labour. The passage is so much in point that I will read it to the House:—

"When a workman is unceasingly and exclusively engaged in the fabrication of one article, he ultimately does his work with singular facility, but at the same time he loses the general faculty of applying his mind to the direction of the work. What can be expected of a man who has spent twenty years of his life in making heads for pins? and to what can that mighty human intelligence which has so often stirred the world be applied in him, except it be to investigate the best method of making pins' heads? When a workman has spent a considerable portion of his existence in this manner his thoughts are for ever set upon the object of his daily toil; his body has contracted certain fixed habits which it can never shake off—in a word he no longer belongs to himself, but to the calling which he has chosen. It is in vain that laws and manners have been at the pains to level all careers round such a man and to open to him on every side a thousand paths to fortune—a theory of manufactures more powerful than manners and laws binds him to a craft, and frequently to a spot which he cannot leave; it assigns to him a certain place in society, beyond which he cannot go; in the midst of universal movement it has rendered him stationary; in proportion as the principle of the division of labour is more extensively applied the workman becomes more weak, more narrow-minded, and more dependent. The art advances, the artisan recedes."

M. de Tocqueville goes on to say,—

"That a territorial aristocracy"—

[And he is no advocate of aristocracy]—

"was either bound by law, or thought itself bound by usage to come to the relief of its serving men and to succour their distresses. But the manufacturing aristocracy of our age first impoverishes and debases the men who serve it, and then abandons them to be supported by the charity of the public. This is a natural consequence. I am of opinion (says he) upon the whole, that the manufacturing aristocracy which is growing up under our eyes is one of the harshest that ever existed in the world. The friends of democracy should keep their eyes anxiously fixed in this direction, for if ever a permanent inequality of conditions and aristocracy again penetrate into the world, it may be predicted that this is the channel by which it will enter."

In reading this passage I wish to guard myself against endorsing any of the latter sentiments as in the slightest degree applicable to the manufacturers of England. I have the most perfect confidence in their intelligence, in their benevolence, and in their anxious desire to educate, to elevate, and to protect their workmen. I only read that passage to enforce my argument. Although exclusively connected with land myself, as an Irishman I must look on the manufacturing districts with the greatest anxiety, because our prosperity advances in exact proportion with the manufacturing prosperity of England. Their well-doing is our well-doing; their depression is our depression. If I thought that twenty-five years hence the manufacturing districts would be represented by the same class of hon. Gentlemen, whose intelligence and probity have gained them the confidence of their fellow citizens, I should be perfectly satisfied; but my apprehensions are, that the power they expect to derive from this Bill will be a power exerted against them; that although it may not at once transfer the direction of public affairs from the employer to the operative, from the master to the workmen, from wealth, intelligence, and education, to mere numbers; yet most confident am I that this is

but the beginning of the end, and that so great are the anomalies and increased inconsistencies arising from this Bill, that as the hon. Member for Salford (Mr. Massey), observed, it will be impossible to avoid or resist the fresh Reform Bills that will arise one after another, until we arrive, aye, and before many years, at universal suffrage. In forming, by anticipation, an opinion of what is likely to be the consequence of the increase of democratic principles, of the transference of power from the middle classes to the masses, we are not left to mere conjecture or to abstract reasoning. We have on the other side of the Atlantic one of the greatest nations of the earth—identical with our own in family, in language, and I may almost say, judging from the resemblance of the different sects, in religion. Different political institutions, and unbounded territory constitute almost the only differences. If, therefore, we are to assimilate our political system to that of America, I think we ought to examine, not only how that system works under the most favourable circumstances that can be conceived for its developement, but also into the changes which are springing up from day to day in the American Constitution, and to ascertain whether those changes redound to the credit and happiness of the country, or the reverse. We fortunately are not left to feel our way in the dark, or to be guided by mere hearsay. We have one of the most intelligent guides who ever directed an inquiry of this kind—a man whose attainments and impartiality are universally acknowledged, whose intimate acquaintance with the inner springs of American democracy is a marvel, even to Americans themselves, and who is admitted to be the apostle of democracy. I mean M. de Tocqueville. If, therefore, we find that during the period of twenty-five years, since M. de Tocqueville visited America, great changes have taken place, that many of those changes were predicted by him, and that many changes have occurred, not for the benefit or credit of the country, which he predicted as possible but not likely to occur—then I think we shall not incur the imputation of running counter to Liberal opinions by endeavouring to save England from steering on shoals upon which beacons have already been erected, and which ought to serve, if they do not serve, as a warning. During the last five months, I have been in the United States, and as did not go there merely to race over an immense tract of country, but to endeavour to ascertain, as honestly as I could, the working of American institutions, to find out what was worthy of imitation—and I am bound to say there is much worthy of imitation, such as their mode of dealing with religious questions—and also to find out what warnings their system conveyed, I may venture to detail some of the observations I made, and the truth of my deductions I shall corroborate by American authority. My hon. Friend (Mr. Caird) the other night deprecated speaking of American institutions lest we should give offence. I can assure the House that I have received too great kindness in that country to make use of a single expression which can possibly give offence in America. As a general rule, Americans are well educated in politics, and this Reform Bill was canvassed in almost every house and excited a deep and painful interest in America. We are too much accustomed in England to believe that there is a hostile feeling in America towards us, and that impression is strengthened by the ebullitions of certain newspapers. But, so far as my experience goes, there exists a most warm and kindly feeling towards the old country in America; and it is that feeling which induced so many in America to beg of me to tell what I had seen in that country, without the slightest fear of causing any pain to them. When I was at Washington during the past winter I had the honour of the society and friendship of many Members of both Houses of Legislature, and I was naturally asked respecting my political opinions; when I stated that I sat on the Liberal side of the House that remark was very well received, for Americans like the word liberality; but when I added that my liberality induced me to vote for a very considerable extension of the franchise, and take, as it is called, the working classes into the confidence of the House, then I am bound to say the opinions of my friends underwent, as it appeared to me, somewhat of a revulsion, and a suspicion seemed to be entertained either as regards my honesty or intelligence — I trust it was with respect to the latter. "You have travelled," they said to me, "from north to south and from east to west in this country, have you closed your eyes and shut your ears to everything that is going on? Are you so wedded to theory that nothing can convey a warning. Have you seen the destinies of this young and vigorous nation guided by men of education, intellect, and character; or, on the contrary, have you not seen

all of those cast aside, and our Legislature reduced to the dull level of the dullest mediocrity? Have you perceived a purity in our municipalities and Legislature, which you cannot hope to reach at home under your present system, and which requires universal suffrage to establish among you, or have you found the most wide-spread venality and corruption? Have you seen in every department of the State frugality and retrenchment, or an anxious desire for the most lavish expenditure? Do you consider the course of justice purer here than in England; and do you think to improve the authority and reverence due to the judicial bench by making your Judges elected for a short period and by universal suffrage? Have you found that you are so oppressed by the Throne and the aristocracy in England that it is necessary for you to adopt our social equality to enable every man to do as he likes and to say the thing that seemeth him best, or have you seen here that the iron will of the majority fetters the thoughts and paralyses the utterance and enchains the actions of men in this land of liberty and universal suffrage." To all this I could only answer in the language of Æneas, "*Infandum jubes renovare dolorem;*" or, to use words more appropriate in the case of America, I felt bound to explain the "fix" in which we find ourselves in England. I told my friends that a great statesman, the hero of the first Reform Bill, conscious of the success of that measure, and animated with a wish for future triumph, thought right to initiate a fresh movement, and I added that it was, as some said, with a view to regain his somewhat worn-out popularity. I said that these were ill-natured persons, who most probably mistook the motives which actuated that statesman. I next stated that the great Conservative party afterwards came into office, and they also sanctioned the movement for Reform. I said that the same ill-natured class of censurers contended that that party preferred to risk the Constitution to risking their tenure of office; from which censure I, of course, observed I entirely dissented. Then I explained that an hon. Gentleman had been in the habit of bringing forward Motions for the reduction of the county franchise from £50 to £10, and a great number of Gentlemen had voted with him; and ill-natured people said, I remarked, that they did so under the impression that they might by their votes obtain a cheap popularity without any practical consequence being likely to follow. I was obliged to admit that the ill-natured people on this occasion were, perhaps, not altogether mistaken. The result was that, though I might have satisfied my American friends of the admirable manner in which we maintain our consistency, I did not satisfy them of our wisdom; and they furnished me with different documents and statements, with some of which I shall venture to trouble the House. Now, let me call the attention of the House to one of the first results that was pointed out as arising from universal suffrage, namely, the nullity of public men. We know there are men in America of the highest intellectual capacity, eloquent, and well informed. Do we meet them in public life? M. de Tocqueville's remarks on this point are worthy recording:—

"Many people in Europe are apt to believe, without considering it, or to say it without believing it, that one of the great advantages of universal suffrage is, that it intrusts the direction of public affairs to men who are worthy of the public confidence. They admit that the people is unable to govern for itself, but they aver that it is always sincerely disposed to promote the welfare of the State, and that it instinctively designates those persons who are animated by the same good wishes, and who are most fit to wield the supreme authority. I confess that the observations I made in America by no means coincide with those opinions. I was surprised to find so much distinguished talent among the subjects, and so little among the heads of the Government. It is a well authenticated fact that at the present day the most talented men of the United States are very rarely placed at the head of affairs, and it must be acknowledged that such has been the result, in proportion as democracy has outstripped all its former limits. The race of American statesmen has evidently dwindled most remarkably in the course of the last fifty years. . . . . The people has neither the time nor the means which are essential to investigation; its conclusions are hastily formed from a superficial inspection of the more prominent features of a question. Hence it often assents to the clamour of a mountebank, who knows the secret of stimulating its tastes, while its truest friends frequently fail in their exertions. Moreover, the democracy is not only deficient in that soundness of judgment which is necessary to select men really deserving of its confidence, but it has neither the desire nor the inclination to find them out. It cannot be denied that democratic institutions have a very strong tendency to promote the feeling of envy in the human heart; whatever transcends the limits of the lower orders appears to be an obstacle to their desires, and there is no kind of superiority, however legitimate it may be, which is not irksome in their sight. In the United States the people is not disposed to hate the superior classes, but it is not very favourably inclined to them, and it carefully excludes them from the exercise of authority. While the natural propensities of democracy induce the people to reject the most distinguished citizens as its rulers, these individuals are no less apt to retire from a political career in which it is

almost impossible to retain their independence or to advance without degrading themselves."

These words were written while such men as Webster, and Clay, and Calhoun, were, if not in the Government, at all events exercising their influence on it, and they were acknowledged to be true by almost every American I met. But the practical test to apply is this:—While hon. Gentlemen probably remember the names of fifty eminent Americans, do they remember the name of a single Member now in either House of the American Legislature? I except, of course, the two persons who are at present prominent as candidates for the Presidency. Do not show me your great buildings alone, said I, at Washington, but show me your great men, and the answer was, "We have none to show." Yet, in spite of all this, which is acknowledged by Americans themselves, I see in a journal, *The Morning Star*, professing to be the organ of the extreme party in this country, a passage in which, speaking of American statesmen, it is said:—

"To do them (the American statesmen) justice, they for the most part, seem fully alive to the importance of the work before them. The spirit of liberty, the intellectual activity inseparable from the play of free institutions, the arduous problems of government, and the constant conflict of domestic with federal laws, have combined to produce in the United States of America a class of statesmen who are second to none in the old world in comprehensiveness of political knowledge and statesmanlike ability."

I can only say that if that article was written in ignorance the writer's ignorance must be great indeed; while if written to deceive and impose upon the credulity of his readers, he then incurs a still graver imputation. But do not confine your views to America alone. Turn to your Colonies, and see what is going on there. We are told to go to Australia for the purpose of learning political wisdom and the use of the ballot-box. Yet it is perfectly clear that those principles of the British Constitution which used hitherto to be considered as necessary for the amelioration of the whole human race are every day becoming more inapplicable to those Colonies. The bare, bald mediocrity of public men has at this moment dissociated, as it were, the Executive from the Legislature. Ministers are now formed there not to give effect to a policy, but to advance private ambitions. Men do not get into office in order to carry out great principles, but to obtain place and power; Ministry after Ministry is upset in order to make way for other people; and the end of all this will be that if you wish to obtain permanence for your Executive you will have to resort to the American system, and give it a legal permanence which it cannot hope to find in the harmony of the Chambers. If Canada and Australia have arrived at this state, we must be most self-sufficient people to suppose that the same results are not likely to ensue here from the same predisposing causes. Well, then, are we likely to arrive at greater purity by advancing towards democratic principles? Why, you cannot take up a single American paper, or speak to a single American without being furnished with proof after proof of the venality and bribery which exist in every department in that country, and which are unbridled, unchecked, and in fact encouraged. In November last, when I was at New York, the election of the mayor of that great commercial city took place. There were three candidates. One, representing the Republican party, was a man of the highest probity and intelligence—his name was Mr. Opdyke. Another, Mr. Havemeyer, represented the Democratic party. He also was a man of the highest position in the mercantile world, and was supported by almost all the great mercantile influence of New York. The "platforms"—to use an American phrase—of these two gentlemen were based upon Reform and retrenchment of the lavish and scandalous expenditure existing in the City under the former municipality. But a third candidate arose, of whom I shall merely say that accusations were made against him based upon a judicial decision, which would have rendered him at all events ineligible for any civic office in this country. His "platform" was openly and avowedly stated to be an enormously increased expenditure, exceeding even that of the last year, which was acknowledged to be prodigious; and he carried the day over the two other candidates by an immense majority. I had the pleasure of meeting in the flush of triumph on the evening of the election one of his chief supporters, and in the exuberant joy of the moment he told me that they had spent 100,000 dollars upon the election, and that it was cheap at the money, for they would make rarely by the transaction. How was this election managed? It was notoriously managed, by promising lavish contracts to contractors, who thereupon drove up their workmen in bodies to the ballot-box, telling them that their bread depended upon their vote. That was the way in which the successful candidate

obtained his election. M. De Tocqueville points out very clearly that, if you have a Government of the middle classes, you will have a frugal Government, because taxation comes home to them; that an aristocratic Government will be a comparatively extravagant Government, because they do not feel where the shoe pinches; but that of all Governments the most extravagant is a democratic Government, inasmuch as it appears, however erroneously, to a vast number of the masses that the money spent by the State is spent for their advantage, and because the masses form the only power which imposes taxes and which at the same time escapes the payment of them. I have given the House an instance of venality drawn from an American municipality. I now hold in my hand a very curious book given me by a Member of Congress, and called *Reports on the Alleged Corruption of Members of Congress.* In this book, which is published by authority in Washington, I perceive that in 1857 four Gentlemen were expelled from the House of Representatives for being bribed and corrupted in their capacity as Representatives. I have never heard that in the course of my life any Member has ever been expelled this House upon such a charge. But some papers which I have been lately reading have sought to convey the impression that these delinquencies in America are perpetrated not by the real democracy but by the aristocracy of the Southern States. In reply to that, I can only say that, although we have heard the representatives of those States accused of a rash and violent demeanour, I never heard an imputation that they were guilty of any act of corruption. The persons expelled the House in 1857 were three Members from the State of New York, and another from the State of Connecticut, two of the oldest, the most settled and most populous States in the Union. This state of things tallies again with what M. de Tocqueville says. I quote him because he is universally recognized as an authority in America, and I have also invariably heard him quoted as an apostle of democracy in Europe. He says:—

"In democracies statesmen are poor, and they have their fortunes to make. The consequence is that in aristocratic States the rulers are rarely accessible to corruption, and have very little craving for money, while the reverse is the case with democratic nations."

That principle is certainly quite upset if it be true, as the Member for Birmingham asserts, that the great expenditure of this country is intended to provide snug berths for scions of the aristocracy. But I will give you two other instances. Hon. Members have heard of certain statements respecting the public printing department in America. When I was at Washington the question who should be the public printer perhaps excited as much interest as the election of the President. For a long time I could not understand why everybody was talking about it; but at last I was informed that it was a great thing to obtain this printership. The public printer is not a professional man, but he hands over the printing to a professional man. The amount allowed him is 200,000 dollars, of which he makes a clear gain of 100,000. But out of that there are slight deductions. A newspaper—an organ—has to be bought and paid. Certain sums have to be paid in certain constituencies, and certain individuals who have influence in certain constituencies have also to be "considered." So gross and so general is the corruption existing in America that the Report of the Committee of Congress states that these cases are known, encouraged, and sanctioned by the President of the United States himself. It was only the other day, in looking over the papers sent to me by my democratic friends in America, I found a passage bearing upon this point. *The New York Times*, which is known to be one of the most moderate and best written papers in America, referring to a Bill for a City railway, said to be worth £200,000, levelled charges of the most wholesale corruption against all who were concerned in the affair. It says:—

"Most of the American people are stolidly indifferent to the proofs of corruption on the part of their representatives. It seems to be taken for granted, and to whatever extent it may be carried, it excites no astonishment, and arouses no special indignation.

I could go on furnishing example, giving names, date and proof of the corruption of men in authority in America, recognized and as it were sanctioned by those who have placed them in situations of confidence; but if I were to mention other cases I must also mention the names of individuals, which it would be ungenerous to do. I only wish I could call one witness into court to substantiate all I have said upon this subject, and that witness would be the hon. Gentleman the Member for Rochdale (Mr. Cobden). I now come to another point. How stands the reputation of public justice in America? And here we find

one of the inroads which has been making way since the days of De Tocqueville, who speaks in these prophetic words—

"By some of the constitutions of the States, the members of the tribunal are elected, and they are even subjected to frequent re-elections. I venture to predict that these innovations will sooner or later be attended with fatal consequences, and that it will be found out at some future period that the attack which is made on the judicial power has affected the republic itself."

I say these fatal consequences have occurred; that the fountain of public justice is polluted at its source. The decisions from the judicial bench in America are too often based, not upon the law or the equity of the case, but upon that view which will give the greatest amount of popularity to the Judge and which is best calculated to ensure his re-election. I know nothing more likely to shake the whole fabric of a nation's morality than this prostitution of the judgment-seat. To whom are you to look for righteousness and truth if not to those who are constituted by the nation as the dispensers of justice, and to be, in the case of America, the Judges of the constitution itself. But Americans themselves confess with shame that they have not that standard to set up. A very remarkable case occurred some years ago, which I will mention; but as I have not the papers with me I may possibly be in error in some minute details, but upon the main facts I am quite clear. Mr. Van Ransellaer, the "patroon" of Albany, one of the old Dutch settlers, was a man of immense territorial possessions. He let out a large portion of his lands to settlers at mere nominal rents, and frequently allowed those rents to remain uncollected. At his death his son succeeded to his property, and naturally endeavoured to obtain that which was his due. Immediately anti-rent associations were formed, great disturbances arose, resistance was organized, and matters went so far that the Judges about to be elected in Albany were made to give pledges that, in case of their election, they would give judgment against the claims of Mr. Van Ransellaer. They were elected, the cases came before them, and the decisions were against Mr. Van Ransellaer. But all those decisions were afterwards set aside on appeal, and he obtained his rights. [Mr. BRIGHT: Hear, hear!] The hon. Member cheers that statement; but he must remember that the decisions were not set aside by Judges elected by universal suffrage, but by Judges appointed by the Senate of the United States. The case afterwards assumed a somewhat amusing aspect, for some persons, not contented with passive resistance to payment of rent, chose to disguise themselves as Indians and to commit various outrages. They were taken up and put in prison. Great pressure was brought to bear upon the Governor, Mr. Silas Wright, to pardon them; but he being in office was inflexible. At the next election for Governor the test for the candidates was "Will you pardon and release these men if you are elected?" The pledge was given—whether the election proceeded on that ground or no, it is, of course, impossible for me to say; but the pledge was required of the successful candidate, he gave it, and shortly after his election the culprits were liberated. I will now mention a case which happened a few days before my arrival in Baltimore in the early part of this year. A religious meeting had been held a little distance from the city down the river. In the evening, as those who had attended it were returning home, a number of men got on board the steamer, put out all the lights, robbed and illtreated the men, while the women experienced a worse fate. The perpetrators of these outrages were all well known; they were the "rowdy" population of Baltimore—the most influential electors of the city. The Judge who tried the offenders, Judge Stump, owed his election to these identical persons. When the case was brought before him the offences were proved, and the offenders clearly identified; and he inflicted upon them fines of fifty cents, or 2*s.* 1*d.* each, while he read the captain of the steamer a severe lesson for allowing the rioters to break into his vessel. Others of the offenders who were caught in the country and were tried before Judges who were not elected by the same class of constituents, experienced a different fate, for they were sentenced to three years' imprisonment; but the Baltimore Judge was afraid to punish. He could not afford to be severe on those persons who directed the rowdyism of Baltimore, of which rowdyism he is the notorious representative. You will hear similar instances quoted in almost every State where the Judges are elected by universal suffrage. I may be told that the statements I have made are mere second-hand histories; but here is American authority, and moreover official authority. The following is the first presentment of the grand jury of the city and county of New York, in October, 1859:—

"The grand inquest in and for the city and

county of New York do not feel justified in closing their labours without presenting as a grave evil, and one calling for the earliest correcting, the practice too generally prevailing in our lower tribunals of criminal jurisprudence. After devoting as much time as the grand inquest could control to the examination of the police records, evidences of irresistible character had been furnished to show that, after the police has faithfully discharged its duty in detecting and arresting the evildoers, their laudable labours and assiduity have been 'waste labour' by the proceedings thereon by police justices and aldermen, without any formal trial. In many (far too many) cases the evildoer after detection and arrest by the police has, without justifiable cause, been discharged and permitted to go at large by these functionaries, and numerous cases exist showing a peculiar lenity that furnishes strong ground for suspicion that justice to the community is blinded, however clear-sighted it may be to some other interest which does not as clearly appear on record. A grave evil exists here of infinitely more interest and of more practical importance to this community than a casual view of it would furnish, and, while an active interest is kept awake as to who shall be President or who shall be Governor, a far weightier matter is ignored or overlooked which comes nearer home to the pockets and security of the community. By the present lamentable system of the ballot-box to decide who shall fill office for judiciary purposes, we trace the evil we now complain of and present as an evil. When the ballot-box is an index of national choice, or the choice of a large portion of our people, the cost or evil of a bad choice is measurably met and felt by a large constituency; but, when the same system is applied to small communities, such as wards of a city like ours, it may be in some cases of most serious consequences, for in some cases the evildoers may by combined efforts elect their own judiciary, and this judiciary in turn, by extraordinary lenity, reward the electors, and thus in our midst is created and sustained a combination of reciprocal elements of the most dangerous character, and which, if not timely checked, will soon put at nought all power to arrest the progress of crime."

That presentment shows distinctly the existence of the evil which I have described. Some hon. Gentlemen by their out-door speeches seem to suppose that we have not got enough social liberty at home, and that we must go to the United States to seek for it under democratic institutions; but I am confident it will be universally acknowledged by every man who has travelled through the United States that there is a despotism of public opinion there more grinding, more prevalent, and more tremendous when aroused than ever was the despotism of one man. Let any one, for instance, go "down South," and venture in conversation to disapprove of "the domestic institution," even in the mildest terms; or let any clergyman in the South get up and condemn practices connected with that domestic institution, which the most enlightened Southern Americans do not scruple themselves in private conversation to condemn, and you know what will be the consequences. Would anybody believe that the tyranny of opinion was exercised to such an extent in America that books, newspapers, and other publications were not allowed to pass into a State if they contained anything contrary to the popular doctrines held by the great mass of the people? Will you believe that at this moment no newspaper or publication can pass through Virginia "down South" without being stopped by the local postmasters; and that not only the postmasters may and do constitute themselves censors of what is sound doctrine, but are justified in the assumption of that extraordinary faculty by the Postmaster General himself? I hold in my hand a correspondence which will show the state of affairs in that respect. The first letter is addressed by the postmaster at Lynchburg, Virginia, to Mr. Horace Greeley, Editor of *The New York Tribune*, under date of the 2nd of December last, and is as follows:—

"Mr. Horace Greeley.—Sir,—I hereby inform you that I shall not, in future, deliver from this office the copies of *The Tribune* which come here, because I believe them to be of that incendiary character which are forbidden circulation alike by the laws of the land and a proper regard for the safety of society. You will, therefore, discontinue them. Respectfully,

"R. H. Glass, P.M.,"

To that missive Mr. Horace Greeley replied, after his usual characteristic and amusing manner, in these terms:—

"Mr. Postmaster of Lynchburg, Va. Sir,—I take leave to assure you that I shall do nothing of the sort. The subscribers to *The Tribune* in Lynchburg have paid for their papers; we have taken their money, and shall fairly and fully earn it, according to contract. If they direct us to send their papers to some other post office, we shall obey the request; otherwise, we shall send them as originally ordered. If you or your masters choose to steal or destroy them, that is your affair—at all events, not ours; and if there is no law in Virginia to punish the larceny, so much the worse for her and our plundered subscribers. If the Federal Administration, whereof you are the tool, after monopolizing the business of mail carrying, sees fit to become the accomplice and patron of mail robbery, I suppose the outrage must be borne until more honest and less servile rulers can be put into high places at Washington, or till the people can recover their natural right to carry each other's letters and printed matter, asking no odds of the Government. Go ahead in your own base way; I shall stand steadfast for human liberty and the protection of all natural rights.

"Yours, stiffly,

"Horace Greeley.

"New York, December 9, 1859."

Now, I ask, what would have been said

in England if, some years ago, when articles used to appear in *The Times*, written with great severity, of Irish landlords, Irish priests, and Irishmen, and Irish things in general, the postmaster of some town in Ireland had written to the proprietor of that journal, and desired him to discontinue sending his paper there, inasmuch as it disseminated doctrines of what he on his own authority pronounced to be of "an incendiary character, forbidden alike by the laws of the land and a proper regard for the safety of society?" Yet that conduct would be a perfectly fair exemplification of the state of things recognized and allowed in America. Now, M. de Tocqueville, whom I must quote again, says :—

"In the principles of equality I very clearly perceive two tendencies—the one leading the mind of every man to untried thoughts, the other inclined to prohibit him from thinking at all. There is, and I cannot repeat it too often—there is in this matter for profound reflection for those who look on freedom as a holy thing, and who hate not only the despot but despotism. For myself, when I feel the hand of power lie heavily on my brow, I care but little to know who oppresses me, and I am not the more disposed to fall beneath the yoke because it is held out to me by the arms of a million of men."

As a general *résumé* I shall read only one passage more. It is not, however, from M. de Tocqueville, nor from any other foreigner; but it is one which corroborates every statement I have made, that the changes that have taken place in the democratic system of government in America have not been for the honour or welfare of the country. The authority I shall quote is Judge Pierrepoint, a living witness, and an eminent man in New York, who, at a meeting of the Bar of that city, held on the 13th of December last, to commemorate the death of one of the most distinguished American lawyers, said—referring to the progress of democracy in the United States :—

"Twenty-five years ago, De Tocqueville passed through this country, and he wrote a book upon democracy. He passed from one end of this land to the other, and he records that he found nowhere, however many faults he saw in this government—he found nobody to complain of them—that no man wished them changed—that all were satisfied with their government, even with its faults. I ask you, Mr. Chairman, if he or any other philosopher shall come through this land to-day, and pass from Maine to Georgia, will he leave that record? I ask you, if you do not find in this land this day the rich dissatisfied that they are governed by the ignorant and poor?—the poor dissatisfied that they are not rich?—those who are labourers dissatisfied that they are not in office, and working and seeking for it?—those who are in office dissatisfied that they cannot plunder more than they do. I ask if you do not find the North dissatisfied with their federal relations to the South—the South dissatisfied with all her relations to the North?—if you do not find in this land universal general discontent and rising passions, and moving even some States to arms?—that free citizens cannot pass without being arrested, their business inquired into, and their progress stayed? Do you, Mr. Chairman, say that this means nothing? I ask those of you whom we have elevated on the plane of intellect and above the common mind, and who are gifted with a keen vision which can look into the future, if in the distant horizon in this land you see dawning a clear day, or do you see it filled with portents of thick clouds and dangers which are to come?"

Judge Pierrepoint is a bold man, but he is a true man. Twenty-five years ago M. de Tocqueville saw the democracy of America in a brave and goodly garb; but if he had been permitted to revisit that country, what would he have said now; or rather how much would he have unsaid? What would Washington and Hamilton have said, even if they had seen democracy as M. de Tocqueville witnessed it. Twenty-five years are a short period in the life of nations, but a long interval in the life of man. And remember that Macaulay speaks of the rapidity of these democratic changes. These things have occurred in America in spite of every circumstance that you can imagine calculated to promote the growth of the conservative element in that commonwealth—where every man of character and industry has the power of acquiring land and of having a stake in the country. And if, in spite of this conservative element, and of an extent of education unknown in England; if, in spite of the versatility, self-reliance, and independence of the American character, these things have occurred—if they have occurred in "the green tree," what will be done in "the dry?" What will be the case in an old and artificial state of society, among millions of men cooped up together in your hives of industry, unable from the small size of the island to obtain land; who are dependent on wages, subject to the fluctuations and depressions of trade, whose bodies are "cabin'd, cribb'd, confin'd" by your laws of irremovability and settlement, as their minds are by the division of labour? I confess I dread the prospect. A year ago I never should have made the speech I have made to-night, because a year ago I had not arrived at these convictions from the experience I have since had; but I should be unworthy a seat in this House if, having arrived at these convictions, I should remain silent from any fear of consequences.

The result of these convictions comes to this, that by democratising your institutions, you do not get "a better article" of public men, you do not secure economy and retrenchment, you do not improve political purity, you do not maintain unsullied the fountain of justice, you may increase licence but certainly not liberty. I warn the House, and more especially the manufacturers of England, that political doctrines are now showing themselves on the surface of society, which, if this Bill pass into a law as it now stands, will spring up and cover them with a deadly shade. I warn them, from the language of the right hon. Gentleman the Member for the University of Oxford, that there are great questions of taxation still to be decided, and that to leave the future fiscal condition of the country unsettled, in order that the unrepresented masses, as he calls them, the non-tax paying classes as I call them, may decide on the future mode of raising the revenue of the State: I therefore think we ought to take care that those who are to be the arbiters of taxation should be as far as possible persons of intelligence and character. I can only say that, so far as I am concerned, I am in no way adverse to reform. I should be glad to see the working men represented in this House, because I believe that it would be infinitely better for them and for us that they should have their own advocates, and that their own questions should be argued by themselves in this House instead of out of doors. But I see the difficulty which the hon. and learned Gentleman who last spoke has endeavoured to provide for, of securing an equipoise of intelligence and property for the increased numbers you propose to enfranchise, though I trust that may be done in some manner when we go into Committee. As regards myself, I object to the Bill, because its inevitable tendency is to necessitate fresh changes, and that forthwith, and to create dissatisfaction instead of to satisfy. I would infinitely prefer to see increased disfranchisement of boroughs with a higher scale of franchise than disproportions rendered still more disproportionate, illogical, and intolerable. I do not wish to see, constituted as they will be under this Bill, huge unwieldy constituencies, to be handed over, as in America, to the management of caucuses, combinations, and associations, which are themselves swayed and directed by a few political intriguers. I do not wish to see, as in America, men of eminence driven into private life. I do not wish to see talent, eloquence, and administrative ability set aside to make way for mediocrities. I do not wish to see forced from the helm of public affairs men to whose superiority you can look up without envy and without cavil, whose lofty position places them above the suspicion of aught that is mean and sordid. As England's statesmen have been great so has England's history been famous; and rely on it, the time is not far off, but is even now at hand, when the destinies of English and European liberty will have to be decided not by average capacities, but by England's greatest men.

MR. LONGFIELD said, that if his object had been to make a speech which would go forth to the country with any effect, he must confess that that object must be disappointed when he rose to address them after the great speech to which they had just listened. His hon. Friend the Member for Galway had strikingly portrayed the state of society as it existed on the other side of the Atlantic under a system such as that to which they would themselves approach if this Bill became law. He had shown the seat of justice polluted, freedom of thought and opinion fettered, and all things bought and sold in the market except virtue. Although the speech of his hon. Friend left nothing to be desired, still it might be useful if the House would permit an Irish Member representing a small constituency which could not possibly be affected by any change in England, to give them his views and opinions of what the result of this measure would be as regarded England and English constituencies. Though, however, he was, as an Irishman unaffected directly by this Bill, yet next to the land of his birth he boasted most of that to which his country was joined, and he was sure that Ireland could not flourish if England decayed; for how could the branches be vigorous if the trunk were falling away? In his opinion if this Bill passed the constituencies in England would be wholly altered, and he believed in the most destructive manner. Two hon. Members on the other side of the House, one an Irishman and the other a Scotchman, had had the courage to speak of what would be the effect of letting in the working classes to the constituencies in such large numbers. He had not failed to observe the civility with which Gentlemen on the Ministerial side of the House had spoken of the classes that were to be enfranchised under the Bill; and that flattery

was one of the worst symptoms that this measure had produced. He believed that those classes had great intelligence, but a great deal more than that was wanted to induce him to think that it was prudent to transfer power at once to them. He had not heard from a single Member that this measure was necessary or expedient; and, indeed, it was only the hon. and learned Member for Tiverton (Mr. Denman) who had endeavoured to show that it was a safe measure. They had heard much of the beneficial measures passed since the Reform Bill of 1832; and then the common logical blunder was committed of arguing from thence that the degradation of the franchise would produce still greater benefits. The benefits, however, that had come after the Reform Bill were by no means produced by it, but had sprung from the state of public feeling, and a peculiar working of the human mind. It had been said that a further reform would improve that House; but the thing that struck him was the marvellous capacity of that House for legislation. On every subject that was started there was some hon. Member who could afford most valuable information; and, to his mind, the only defect in that House was—not that it did not represent the working classes, or that it had not the faculty of legislation—but rather that it possessed too much talent; though he believed if they passed this Bill that this defect would no longer exist. Admitting that the Bill was a necessity, the question necessarily arose, what was the mode in which this reform, or rather revolution, was to be carried out. He would, in the course of his speech, avoid all allusion to the hon. Member for Birmingham, and also to the Returns which had been laid before the House, but would endeavour to show, as far as he could gather it from the scanty information which was at hand, who the classes were to whom power was sought to be transferred. It was not necessary merely to ascertain the number of the £6 householders, though that was not unimportant, because great numbers added to the constituencies would in themselves be a great evil. Assuming, for the sake of argument, that the numbers given were correct, this result followed, that in thirty boroughs the £6 householders would form an active and actual majority, in six a preponderating majority, in fifty they would form one-half or more of the constituency. Thus they had 150 seats which would be altogether disposed of by these £6 householders. In many cases the class enfranchised would be a mere mob of unreflecting citizens. Sir James Macintosh, in his *Vindiciæ Gallicæ*, said that it had been well remarked that a multitude, even if composed of Newtons, must be a mob, and he would show the House that these £6 householders were Newtons in nothing. The noble Lord, in answer to some gentlemen from Guildford, said that the only true basis of representation was population; and with that he (Mr. Longfield) perfectly agreed. Sir James Macintosh said that territorial or financial representation was a monstrous result of ancient prejudices; land or money could not be represented, and population alone should regulate the number of representatives. When, however, they came to the application of this principle, they found that the Bill of the noble Lord was singularly deficient, inasmuch as the only test which he applied of the fitness of the elector was that he possessed a £6 house. There should be something more than numbers arbitrarily selected, there should be inquiries into the state of education and of religion; there should be something to show their capacity to govern themselves before they were appointed to govern others. Such inquiries as they would make before taking a servant they should make, and much more, before they made these classes their masters. Above all, in a case like this, which involved the welfare of a majestic empire, surely they should be superior to petty deeds, and should consider calmly whether the classes to which the noble Lord proposed to transfer power were fit to be entrusted with it? The information which was vital to proper legislation had not been laid before the House; the statistics which in a year or two would have enabled them to legislate with proper information on this subject they had not; and this Measure was pressed on, though next year the Census would be taken, and that would have afforded them much information necessary for the consideration of this subject. He would, however, attempt to consider the habits of the class in question under the aspects of intelligence and education, crime, and habits of religion. It was remarked, in a very sensible article in *The Times*, that it was not enough that an elector should pay so much rent, or stand at such a figure in the rate-book, but that he ought to possess patriotism, courage, self-command, justice, straightforwardness, honesty, and all that was usually called "English." But could it

Mr. Longfield

be said that these £6 voters were possessed of education or self-command sufficient to enable them to exercise the franchise properly? He thought not. As to education the noble Lord opposite had asserted that education had advanced since the passing of the Reform Bill—connecting the two matters together as cause and effect, though it appeared to him (Mr. Longfield) that the connection between the two was on a parallel with the old assertion of Tenterden steeple being the cause of the Goodwin Sands. In the Educational Report of 1851 it was stated that after 1811 education rapidly advanced, Lord Brougham being the zealous champion of the cause of popular education; 1 in 17 of the population attending the day schools in 1818, 1 in 24 the Sunday schools. Fifteen years elapsed, and the attendance in day schools had doubled, that in Sunday schools had increased four-fold. The population between 1818 and 1833 had increased nearly 24 per cent; but during the same period the attendance in day schools had increased 89, that in Sunday schools 225 per cent. It was idle, then, to say that education was caused by the Reform Bill, for in truth it had not increased since then in the same degree as formerly. The Report of the Registrar-General on the subject of Marriages contained some curious information on this point. It showed the large number of men and women in this country who were ignorant of the first elements of education; and it was significant to find that in the great manufacturing districts ignorance was most dense. In Bedfordshire 51 women out of 100 did not sign the marriage register; in Staffordshire, 45 in 100; in Cheshire, 50; in Lancashire still deeper darkness prevailed, for the women who could write were only 44 in 100. The men as a body were even more ignorant. There was then no ground for saying that the extension of the franchise was justified by the standard of education among the working classes. There was also painful evidence that the parties to whom it was now sought to entrust the vast power of participating in the legislation of the country were utterly incapable of governing themselves. Murders and manslaughter prevailed in the towns; and in the town which the noble Lord proposed to enfranchise six murders were committed in the year 1858. Of the whole crime of the country 76 per cent was attributable to the working classes; and of that 76 per cent 22 per cent was furnished by the artisans and skilled labourers. And it was to these that the franchise was proposed to be extended—the very class, too, which proved so ungovernable in their passions that the Legislature had to pass a law to restrain their brutality. In 1858 there was an increase in the number of cases of manslaughter. Offences against the person had been gradually increasing. So also cases of maliciously wounding. In Liverpool there had been committed 5,012 offences; in Manchester, 6,091; in Birmingham, 2,669; in Leeds, 1,053. Now, were these crimes committed by those who possessed the franchise? Were they not rather committed by those to whom the political power was about to be transferred from those who now held it? Then, as to the state of the country with regard to religion. Mr. Horace Mann, in his valuable Report, dwelt on the influence of religion in promoting the morality, and social order and quietness of the country.

Notice taken that Forty Members were not present. House counted, and Forty Members being found present—

MR. LONGFIELD proceeded. If the House had been counted out he would not have regretted it. He frankly admitted that such a result would have been a sorry compliment to himself, but it would have been a tribute to the good sense of the House. In his remarks on religion he did not in the slightest degree wish to excite religious animosity, nor was he disposed to make national or sectional reflections. He admitted the value of English education and religion. He was not going to quote from an American work; he was not appealing to hostile authority. He took an English authority on which all would place reliance. A Committee had been appointed in another House, and before it Mr. Mann was examined. He said there was a population in 73 towns possessing the franchise amounting to 6,000,000. He (Mr. Longfield) would not give the numbers belonging to the different sects. He would consider Dissenters, Roman Catholics, and English Protestants as alike worthy to be entrusted with the franchise. Well, 45 per cent of the 6,000,000 of these 73 towns belonged to no religious persuasion. The Church and the Dissenters took care of the highest and the lowest classes; but the intermediate class, forming 75 per cent of the whole, had no religious opinions whatever: yet it was this class upon whom it was now proposed to confer the fran-

chise. Without wearying the House with the whole of the details, he might state that in Sheffield there were 62 per cent irreligious ; in Leeds 40 per cent ; in Southwark 68 per cent ; in Birmingham, which had 1 in 40 criminals, 54 per cent ; in Westminster 50 per cent ; in Lambeth 61½ per cent. Of the aggravated assaults on women 84 out of the 401 in return were committed in Lambeth. Lambeth enjoyed an enviable superiority in irreligion, in brutal assaults, and in being represented by a thorough economist. In Manchester there were 51 per cent irreligious, in Finsbury 53 per cent, and in Liverpool 40 per cent. If it were possible to succeed, he should wish to move that the Bill be read a second time this day six months. There were two ways of gaining battles. There was the policy of the Spanish General, who avoided fighting when success was hopeless. There was the Fabian policy, which was equally successful, of winning influence over the thoughts and opinions of the country. In that way they were proceeding, and in that way he trusted they would be successful.

MR. DIGBY SEYMOUR said, he was glad the hon. Member had relieved his soul by admitting that he had entered into a conspiracy——

MR. LONGFIELD : The hon. Member must not misrepresent me. I said no such thing. The course which I have taken has been without concert. It is my policy, and I disclaim it for any one else.

MR. DIGBY SEYMOUR said, the hon. Member, a few moments ago, expressed great satisfaction at the prospect of the House being counted out, and before he resumed his seat he expressed his approbation of the adoption of the Fabian policy. It was not, therefore, an unsupported or illogical conclusion to accept the statement as an admission that the party who surrounded the hon. Gentleman, not having the boldness, or, he might say, the political honesty, to fight the Bill upon its merits, and to move a direct negative, were endeavouring, by long speeches and innendoes, and personal attacks upon hon. Gentlemen at that side of the House, to protract the debate, hoping that they might have some opportunity of throwing delays in the way of the noble Lord, whom they knew they had it not in their power to defeat. The House had been, therefore, delighted by the introduction of dissertations upon subjects altogether foreign from the hacknied topic of reform. On the one side they had had a lecture on America from the hon. Member for Galway, and on the other a lecture on social science and criminal statistics from the hon. Member for Mallow. The one had drawn on Horace Greeley for his wit, and the other on Horace Mann for his figures ; but how either one or the other had thrown the slightest light upon the subject before the House, he (Mr. Seymour) was obtuse enough not to perceive. The hon. Member for Mallow had not attempted to show how his criminal statistics applied to the particular class proposed to be influenced by the Bill. Since 1850 there had been a great decrease in the cost of pauperism. Between 1856 and 1858, there had been a falling off of something like 2,000 in convicted criminals, and a great increase in the amount of education among the children of the working classes. The deposits in savings banks showed a large increase since 1836. The deposits of 1858-9 were almost double the amount lodged in 1832. The arguments addressed to the House, in reference to America, came with a peculiarly bad grace from the hon. Member for Galway. A hon. Member who, having received, as he admitted a most hospitable reception on the shores of a distant country, picked out some trivial matters to place the political institutions of that country in the darkest light, was not in a position creditable to his good taste or his gratitude. The philosophising Frenchman, M. de Tocqueville, upon whom he relied so strongly, said that as art and mechanism had progressed in America the artisans and the men had receded. Could that apply to England? Had not every improvement in mechanism and industrial science in England been attended by a contemporaneous development of the artisan class ? M. de Tocqueville had drawn his illustrations from the southern States, which afforded no argument bearing on the present question, and where the source of the evils admitted of a ready explanation. In the instances referred to, of the Judges who had lent themselves to such unfortunate compromises, it should be remembered that there was a Supreme Court at Washington which overruled the decisions, and that, therefore, there was a corrective remedy even in the Constitution of America. But the House should recollect that it was not legislating for America, or upon the basis of universal or manhood suffrage, but for the people of England, who, whatever might be the opinion of the hon. Member

for Mallow and his small constituency, were in favour of the proposed reform, and if the House of Commons thought otherwise, it would not be what Burke had said it ought to be "the express image of the feelings of the nation." The House of Commons was not designed to be a control upon the people, but a control for the people. What better proof could there be that the House did not contain at present an "express image of the feelings of the people" than the fact that hon. Members so often denied the existence of any feeling out of doors in favour of the Bill? He appealed to all Members who were acquainted with large constituencies in seaport or inland towns, whether there was not a demand for it. The fact that there existed more of that excitement in favour of Reform, which hon. Members seemed to regard as the sole proof of earnestness in the cause arose, in his opinion, from the conviction of the people in the justness of their cause and their faith in the sincerity of those by whom it had been espoused. The right hon. Baronet, the Member for Hertfordshire (Sir Bulwer Lytton) had said that the wise legislator, the profound lawyer, the able naval or military officer returned to that House, was each a virtual representative of the working classes. But if they represented the working classes, they represented the landed interests too; and looking to the benches opposite, did they see none but wise legislators, profound lawyers, and able commanders? Was there no instance of that class of representatives sent by large constituencies to that House? Was not the City of London represented by the noble Lord? and did they suppose that if the £6 householders were added to the constituency, that he was likely to lose his seat? Was not Southwark represented by one of the most brilliant naval officers of the day? Was not Wolverhampton another large constituency, represented by the Attorney General, and was he in danger of being ostracised if the constituency of Wolverhampton was enlarged? But such arguments were only redug up from the buried fossils of the past. What was the position of the House upon the question? According to hon. Gentlemen opposite they ought not to legislate at all. They said Reform was not called for; it was dangerous; there would be menace to the constitution if the £6 householders were admitted. What was the logical conclusion from all this? That they should have no Reform Bill. But were hon. Gentlemen forgetful that four times from Her Majesty's lips pledges of reform had been given, and that, not by a Liberal Government merely; but hon. Members who had denounced this Bill, who had declared it dangerous to the constitution — how could they reconcile their conduct now with their conduct not two years ago, when they called on the Queen to hold out to her loyal people the unfettered promise of a change in the representation? That was a matter which they would one day have to explain to their constituents. It was agreed that there should be Reform; upon what principles, then, was the statesman to proceed who should pen a Reform Bill? There were but two alternatives — either to plan a new machinery, or to take that which was already constructed, and by re-adjustment to adapt it to altered times, and to the change in public opinion. That the noble Lord had done; he sought to adapt the constitution of 1832 to 1860. But hon. Gentlemen opposite said that this Bill struck at the root of all that was sacred in their estimation; but he would call attention to authorities for a far wider extension than that proposed by the noble Lord. Such authorities as Hallam, Lord Campbell, and Lord Brougham were in favour of even a wider suffrage than the £6 qualification. They stated that the right of voting was inherent in the resident householders paying scot-and-lot. It was said that the returns of the noble Lord were erroneous, but before those returns were obtained, others had been obtained by Mr. Smith in 1849, and afterwards by Mr. Tite. Taking the 34 towns to which the returns of Mr. Smith referred, a fair average of the effect of a £6 franchise might be arrived at. There had been six estimates; by the first the numbers were 195,495; by the second, 202,516; by the third, 203,717; by the fourth, 192,470; by the fifth, 208,233; and by the last, 168,000—giving a mean average of 184,240. It appeared to him that those figures did remarkably corroborate the results as given by the noble Lord. But when a Reform Bill was brought in by the Government of Lord Derby where were the returns? If they had no returns how could they reconcile with their conduct that they sat down to legislate on a Reform Bill, and yet had no returns on which to base their conclusions? Either then they had been neglectful of their duty in procuring returns, or else they had such returns as led them to a similar conclusion with the noble Lord.

[*Sixth Night.*

He regretted very much that the noble Lord's Bill was not only exposed to the open fire of hon. Members opposite, but also to masked batteries on that (the Ministerial) side; but in spite of that he believed the Bill would give satisfaction to the country, and would be hailed by the working classes as a great and seasonable boon. Hon. Members opposite said "Let us get something like finality;" but it was impossible to produce finality, or to anticipate the requirements of future times. With regard to the question of redistribution of seats, he was not so satisfied with that as with the preceding part of the Bill. He hoped, however, that when the Bill went into Committee, there would be no difficulty in carrying out the principle of redistribution in a manner more consistent with the wants of the country. The hon. Member for Rochdale (Mr. Cobden) ten years ago said that any measure of reform not accompanied by a proper measure of redistribution would have no practical effect. He believed it would be found that a majority of that House was returned by 1-13th, and the rest by 12-13ths of the property of the country. He believed upon calculations which could not be called in question, that a majority of the Members of that House represented a minority of the capital of the country; and, therefore, upon the grounds of hon. Gentlemen opposite, he maintained that a better redistribution of seats was necessary. He for one thanked the noble Lord for the Bill. He believed it would tend to consolidate the Constitution, that the Throne would not be overthrown by it, that the Church would not suffer, that the House of Lords would not suffer, but that the result would be to strengthen the basis of the Church, of the Throne, and of the House of Lords in the hearts of a confiding people. With regard to the attempts made by hon. Members opposite to count out, it might be well to try it once, perhaps twice; but when they tried a third time, they only showed that they were not Reformers—that they were content as they were—and although they had made the Queen pledge herself to reform, still that they held to their own antiquated prejudices, and that they were not equal to the progress and enlightenment of the times. He trusted the noble Lord would find a compact body around him to support the measure should any emergency arise. The Bill might require to be somewhat shaped in Committee, but in the main he believed it was satisfactory to the country and to a large majority of that House.

MR. KENDALL said, it was not to be charged on Gentlemen at the Conservative side if hon. Members on the Liberal benches rose in succession to speak against the Bill. He had been anxious on a former occasion to protest against an assertion by the hon. Member for Newark as to "the almost singular unanimity" which Members of the Conservative party had displayed in supporting the Reform Bill of last year. He likewise denied that they were now precluded from objecting to a £10 county franchise. Many Members, like himself, had listened in silent sorrow to that portion of the Bill, but they withheld their remonstrances till they could hope to make them with more effect when the House went into Committee: the noble Lord (Lord John Russell), however, by the ingenious course which he had taken in introducing his Resolution, deprived them of any such opportunity of expressing their sentiments, and the result was that a great deal of misapprehension prevailed with respect to the opinions entertained by many Members of the Conservative party in respect to its provisions. So far as his own constituency went, without one exception, he had never heard any man express a desire for this Bill; and this was the case, too, with all other counties of which he had any knowledge. The noble Lord the Member for London was almost the only advocate for the Bill on the other side, and his chief argument was that the House should accept this Bill in order to stave off something more disagreeable and dangerous still which might be offered by-and-by if it were rejected. He repeated his old simile of the "majestic river and the overwhelming torrent," the river, of course being this Bill, and the torrent possibly the Bill which might be offered in a little while by the hon. Member for Birmingham. By this time the House must be pretty nearly as tired of any reference to that hon. Member as of the Bill itself; but it was impossible to discuss the Bill without constant reference to him. In fact he might almost be called "the Bill, the whole Bill, and nothing but the Bill," except for the close connection he kept up with the Chancellor of the Exchequer and the Foreign Office. Some time ago the hon. Gentleman's influence was assuming rather an awkward aspect; but he himself had destroyed all his power for evil. As long as he confined himself to haranguing the people at great

meetings on their grievances, to flattering them on their power, and exciting them to use it for the acquisition of what he called their rights, he possessed influence and was a cause of anxiety; but when he began to play a double part, to be one man out of the House and another man in it, his occupation was gone. It would not do for any man to bespatter the aristocracy with all kinds of abuse out of the House, to talk of limited Monarchy as a thing merely to be tolerated, and in the House to be almost the slavish admirer of the most absolute autocrat of these or ancient times. To preserve his influence a man must be consistent. The hon. Gentleman might still continue to draw large audiences wherever he was announced to speak; but it was mere curiosity, not anxious sympathy, or any other deep feeling, which took them there. There was a certain amount of resemblance between this Bill and the Church Rate Bill which passed through the House a few days back. Some time ago there was a general disposition to make concessions on the church-rate question, in order to conciliate; but when it was found, from evidence given in "another place," that the concession of church rates was merely to be used as a lever to remove Church property of every description, the supporters of the Church aroused them from their lethargy, and the first effort was seen in the division of Friday last. So in regard to reform. Most people were ready to make concessions until the hon. Member for Birmingham announced authoritatively that if this Bill were passed it would be followed by demands for further reform. Then everybody began to be anxious to find some mode of escape. How that mode of escape would present itself was not very clear at present. In the present imperfect state of information as to the exact effects of this Bill it was most unsafe to legislate; and, as Her Majesty's Ministers must be pretty well satisfied by this time of the inaccuracy of the *data* on which they had proceeded, he hoped they would consent to withdraw the Bill. It was certainly a measure of unmitigated danger, but he was bound to admit that as regarded its advance on the Conservative Bill of last year it was a moderate measure. The recollection of the Conservative Bill was as painful to him as the presence of this Liberal Bill; but his consolation was that, as that was strangled on the second reading, so this would perish in Committee.

SIR JOHN RAMSDEN said, he was induced to trespass for a few moments on the attention of the House, because some hon. Gentlemen in the course of the debate appeared to question the sincerity of Members sitting on the benches behind the Ministers, and had asked how they could justify themselves for allowing their desire to support the Government to outweigh objections which, it was said, they must feel to the measure under discussion. In answer to that appeal, he would say that, had any opposition been offered to the second reading, he should have voted in favour of the Bill, because he desired a settlement of the question, and because he thought postponement was to be deprecated. Still he did not feel bound to support the Bill in its present shape, nor did he think himself precluded from taking, in its future stages, the course best calculated to secure the object which he, in common with the great majority of the House, desired to accomplish. Nevertheless, he must confess to some disappointment as to the prospect before them. From the time during which the question had been before the country, and the promises of successive Governments with regard to it, there was good reason to hope that a measure might have been framed on which all parties might have come to something like a general agreement. But the tone of the present debate had gone far to dispel any such illusion. The speeches made on both sides of the House prevented the unanimous assent accorded to the second reading from being regarded in any other light than as a mere general affirmation of the abstract principle of Reform. He was afraid that the Government must have felt some disappointment when listening to the speeches of many of their supporters, and might even have thought that some of those who intended to speak most strongly in favour of the Bill had done least to recommend it to the approval of the House and of the country. In the speeches of hon. Gentlemen opposite the House had been warned of the danger of the transfer of power, and of admitting to a preponderating share in the franchise classes whom they thought unfitted to be entrusted with such authority. These arguments, though logical and consistent from a Conservative point of view, were not quite conclusive to the minds of those whose principles were of a more popular character. But when he turned to the speeches of those who spoke most strongly in favour of the Bill, he found that their approval of it rested on very dif-

ferent grounds from those by which it was recommended by the Government. The Government, feeling the impolicy of delay, and conscious of the possible dangers of agitation, had proposed it as their mode of obtaining a settlement of the question; but did those who were its strong supporters regard the Bill as satisfactory and accept it as a settlement of the question? He feared that, after the speeches which had been delivered, no one could reply to that question in the affirmative. He was afraid they must all admit that while the opponents of the Bill denounced it as dangerous, its warmest admirers had qualified their approval by complaints of its short comings, and justified their support by avowing their expectation that it was only a first step in a course of much greater change. For his own part, he confessed that he had listened with deep regret to such an avowal, because it went far to diminish the probability of that agreement which alone could enable them to carry a measure of Reform. He feared that the objection urged against the Bill on the one side as inadequate would give colour to the opposite argument of those who warned the House against it as dangerous. He thought that many on his side of the House who were anxious for Reform, who were fully convinced of the necessity, the justice, and the wisdom of an extension of the suffrage, and who would vote for a £6 franchise as part of a large and comprehensive scheme, really effecting a permanent settlement, would hesitate to support it as a single provision in a very naked Bill, which must thus inevitably become merely the first step to a still further advance in a downward direction. Many friends of the Government, when they found the measure recommended to their approval on that ground, as a first step and an instalment, might be disposed to attach greater importance to the arguments of the hon. and learned Member for Cambridge (Mr. Macaulay) and other Gentlemen, who had pointed out that £6 had in itself no special merit as a franchise, that it was only a mere arbitrary line, and that the very same arguments which were now urged to justify the reduction from £10 to £6 might be urged with equal effect next year to recommend or to enforce a still further descent. He ventured to think that much of the strength of their position as legislators on Reform rested on their ability to show that they could produce a measure alike sufficient and permanent, and which would avert the necessity of constantly recurring legislation: for he had observed that most of the objections which they had to meet were directed, not against the immediate results, but rather against the ultimate tendency of the Bill; and the fate of the Bill seemed to depend very much on whether it could be so amended as to obviate these objections, and impart to it a character of safety and of permanence. In its present shape he feared that both sides of the House had concurred in regarding the Bill with dissatisfaction rather than with hope. On the one hand it had been denounced as dangerous; on the other it was complained of as inadequate; but both parties assented to the second reading, and by so doing both acquiesced in the hope that it might be susceptible of Amendment. He should regard with great satisfaction any such prospect, for all parties were pledged to deal with this question. The character of the House and of the Government must alike suffer by any unnecessary postponement. Promises had been made, which it would be discreditable to them to break; hopes had been excited, which it would be most unwise to disappoint; and the interests of all concerned united in urging upon Parliament the wisdom of legislating, if possible, in the present year. If, however, they found it impossible to do so satisfactorily—if they found that the Bill could not be made acceptable to the House and the country, except by such changes as the Government could not assent to, or which there may not be time sufficiently to discuss—then, earnestly as he desired reform, strongly as he deprecated delay, there was one thing which he deprecated still more—there was a course to which he would never be a party—and that was, to pass an imperfect and unsatisfactory measure, by which they would pretend to preserve their consistency and redeem a pledge, when in reality they were evading a duty and deceiving the country by the delusive postponement of a difficulty which was sure to come back to them in an exaggerated form another year. To say that they must pass something was only to say in other words that they must cheat the country. In his opinion they ought to pass a measure creditable alike to the House and to the Government—a measure which would really strengthen the institutions of the country—or no measure at all. Far better would it be for them to postpone the question than to deal with it in a super-

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ficial and mischievous manner by passing a measure which, while it unsettled much, would settle nothing. And, therefore, while he was ready to sit there as long as the Government might call upon them to do so for the proper performance of the duty to which they were pledged, he trusted that the House would not entertain the idea of purchasing relief from present embarrassments by passing any temporary Bill, which being delusive in its character, must be discreditable to Parliament, irritating to the public, and to the last degree dangerous to the national interest.

MR. WALPOLE: Sir, there is so much force and so much justice in the observations of the hon. Baronet that I would willingly abstain from making any comments on the present Bill, relying upon the reasons which he has urged for the course which he thinks advisable; but, as my right hon. Friend the Member for Buckinghamshire most properly reminded us, it is desirable to have a discussion on the second reading, even though we are all agreed that the second reading should pass, in order that when we get into Committee —if we ever do get into Committee—we may be prepared to consider all the provisions and details of this Bill with our way more or less cleared by the result of that discussion. My right hon. Friend said, at the commencement of this debate, which dates back, I am sorry to say, a period of nearly two months, that there were three objects contemplated by the Government in the present measure, and to those objects, with the permission of the House, I will now endeavour strictly to confine myself. The first is the large reduction of the borough franchise; the second I will not call a reduction, for I believe it may be more properly defined to be an extensive alteration in the county constituencies; and the third is a partial redistribution of seats.

Now, first as to the borough franchise. The noble Lord the Member for London, who may be described as the parent of this Bill, told us the principles on which he is ready to proceed. He said that the principles on which the measure is based are all principles known to the Constitution, and that it may be regarded as a supplement or continuation of the Reform Act of 1832. Now, I take the principles of the Constitution for my guide, and I will join issue with the noble Lord as to whether they are or are not the principles contained in this Bill.* Look, for instance, at the borough franchise. I say that the noble Lord has there departed from the policy which he advocated not ten years ago within these walls. In a debate on the late Mr. Hume's Motion he told us that the policy which ought to be pursued in extending the borough franchise was the introduction of variety into that franchise. But where is the variety here? The noble Lord said that by the Reform Act of 1832, the old franchises being abolished, one uniform franchise, a £10 standard, was introduced; that Lord Grey's Government, by limiting the franchise to that one uniform standard, did not make it sufficiently various; and that, therefore, it was not sufficiently comprehensive. Well, judging from the debate, I think we are all agreed that variety of the franchise is the only way by which you can qualify the extension of the franchise in a downward direction. And what has Government after Government done on this question? The noble Lord's Bill of 1852, his subsequent Bill of 1854, the Bill of 1859, every one of those measures professed and intended to introduce variety of franchises. Some of them made deposits in the savings banks a means of rewarding, and of very properly rewarding, those who by their frugality and industry showed that they deserved to enjoy electoral privileges. Other Bills put personal property more or less upon a footing with real property, by extending the franchise to those who had invested their property in the Funds as well as in land. Others, again, most properly —and I hope no measure will pass without such a provision—insisted on taxation being coupled with the franchise, and gave votes to those who contributed either to the assessed taxes or to the property or income-tax. Then, again, we had University graduates possessing a species of educational franchise. And last year there was a provision which, with proper safeguards, would introduce large numbers within the electoral pale — I mean the lodger franchise. But the noble Lord is now departing from the very policy which he himself recommended. My right hon. Friend (Mr. Disraeli) remarked that you are extending the franchise to large numbers, but are taking no guarantees for the fitness of the elector to exercise that franchise. The noble Lord says that the principles which he has adopted in his Bill are all known to the Constitution. I will presently show that he is acting on principles diametrically opposed to the Constitution. Meanwhile, however, let me say one word

on the extension of the borough franchise. We have had much controversy as to the extent to which the franchise would be conferred by this Bill. We know that now the number of electors upon the borough rolls is 410,000; but from the returns which have been given to us, it is idle to suppose that we can calculate the number that will be placed upon those rolls. We are bound not only to look at the number which will be placed, but which may be placed upon them. If you include those who may, according to those returns, be placed upon the electoral register, the number will be raised from 410,000 to 838,000; in other words, you double the number. But in what direction are you doubling it? As you descend in the scale you not only increase the number, but you lower the quality of the electors. By your own returns we find that a £9 franchise would add at once 41,000 electors; an £8 franchise would again add 53,000, a £7 franchise would add 78,000, and if you go to £6 you will add immediately 98,000 more. As you descend the scale you increase in number and deteriorate in quality; for the moment you reach the lower number you get to a class, as I will presently show you, whose circumstances prevent them from being a safe depository of political power. The noble Lord in doing this has acted contrary to the known principle of the Constitution. Let us consider this matter in two points of view. Let us consider the principle according to the original plan and framework of the Constitution, and let us also take the principle as announced in the noble Lord's own Reform Act. Who were entitled to the borough franchise according to the old Constitution? Every one who was connected with the locality where the franchise was exercised either by property or by taxation. The franchise was possessed by all who were free of the town, by the holders of burgage tenures, and by the payers of scot-and-lot; in other words, it was possessed by all who contributed to the local burdens equally with the rest of that community in which they lived, and who were liable to take their turn in municipal offices. No doubt that franchise had become limited, because the close corporations had monopolized to themselves the greater part of the power of returning Members to Parliament. We know by the Return laid on the table by the Under Secretary of the Home Department to what an enormous extent that encroachment was carried. But how did the noble Lord propose to remedy that evil? He talks now as if he had simply introduced a £10 household qualification. The Reform Act did nothing of the kind. It gave a £10 household qualification, coupled with a contribution to the Imperial taxation and a contribution to the local assessments. At the time that Act was passed every one who was placed upon the register must have been assessed to the house tax and to the window duty. You repealed the house tax in 1834 and you repealed the window duty in 1851, and thus you dissevered taxation from representation, and conferred upon a great part of the constituency which did not contribute to direct taxation the power of returning Members who are to keep the taxation at a point above themselves. The noble Lord in his Reform Act did couple taxation with representation. But what will this Bill do? The noble Lord says he does not intend to alter the law; but I will show that this Bill would alter the law in a very material point. I say that after you repealed the window duty and the house tax there was but one connecting link between taxation and representation, and that was the poor rate. To be upon the electoral list you required a man to be rated and to pay his rates. The hon. Member for Birmingham—I watched his speech with great care, for I look upon him as the most able exponent of what I may call the real Reformers in this House or in the country—I am not going to make an attack upon that hon. Gentleman—I admire his honesty and his great abilities, but I will meet him in fair argument when we are discussing measures of this kind—I think I gathered from his speech that he considers rating as a convenient means of registration, but he does not insist on the necessity of paying the rates.

MR. BRIGHT: Do you refer to my speech in this House?

MR. WALPOLE: I gathered that from your speech here.

MR. BRIGHT: I acknowledge it.

MR. WALPOLE: Then my impression was correct. That is the most important admission we have had in this debate. Rating is intended to be adopted as a system of registration, but the payment of rates, the connection between taxation and representation, is to be given up. The noble Lord says he does not intend to alter the law, and I see that the third clause of this Bill provides that all the provisions with respect to rating and the payment of

rates shall be applicable to the new £6 franchise. *Primâ facie*, therefore, it appears the noble Lord means, and no doubt thinks, he has accomplished that object. But I say you cannot do that if you go down to £6, and I will tell the House why. By the 13th and 14th of the Queen a landlord may be rated instead of the occupier, and by the 14th and 15th of Her Majesty the landlord may compound for the rates at two-thirds of the value, or, if he pays them at the beginning of the year, for one-half, and the tenant may yet claim to vote. Take the Reform Bill together with these two Acts, and what is the consequence? Every man who is rated in the name of his landlord who pays upon two-thirds or one-half of the value, may yet have a right to vote, although he does not contribute a shilling directly to local taxation. The noble Lord then most materially alters the law, and is doing that which I undertake to say will be absolute ruin to our representative system if it is permitted to go further—namely, extending the franchise to those who are to be entirely exempt from those burdens which the rest of their fellow-citizens are required to bear. But, supposing that you do introduce this large body to the borough franchise, the next question is the character of the new constituency. Hon. Gentlemen are, no doubt, acquainted with Mr. Newmarch's statistics. He takes four counties as average specimens of the whole. He gives the number of houses rated at £10 and upwards, and he states that the percentage of those who are excused from payment of rates on the ground of poverty is between 5 and 6 per cent. Among the persons rated at from £6 to £10 the percentage of those excused on the score of poverty is no less than 56 per cent. Mr. Newmarch says we may take that as a broad line of demarcation between the point where independence begins and that where independence ceases to exist. What are you proposing to do? As my right hon. Friend the Member for Hertfordshire (Sir E. B. Lytton) truly said, you are about to throw on the wealth and intelligence of the country an undue preponderance, to be exercised over them by those who are so poor that they must be dependent; and consequently you are placing in the hands of the lowest class the franchise which ought only to be exercised by persons whose condition and state of life are such as will enable them to exercise it wisely and well. The noble Lord has given a kind of answer to that observation. He says, "If we take the towns mentioned at the end of the Returns we shall find that, whereas there are 566,000 persons who might be on the register, yet, in fact, only 410,000 appear there;" and he draws the inference that the same proportion will not claim the franchise under this Bill. But when you lower the franchise to a £6 occupier, whose rates are compounded for by his landlord, do you think the £10 householder who is excused from payment of rates on the ground of poverty will not demand to be placed on the same footing, and that you should repeal that portion of the Reform Act which requires payment of rates to qualify him him for a vote. You will have to give up that distinction either by making the qualification higher or by adopting the proposition of the hon. Member for Birmingham. As connected with this point, I should like, with the permission of the House, to read one or two extracts from the Report of the Lords' Committee which sat last year on the municipal franchise. The municipal franchise was one given to a lower class of occupiers, but with three years' residence. The same Act which enables a landlord to compound for the tenant's rates applies to municipal corporations as well as to Parliamentary boroughs. Lord Grey moved for a Committee to inquire into the operation of the municipal franchise; and the result of that inquiry has proved to demonstration that in all large towns like Newcastle-upon-Tyne, for instance—the moment you extend the franchise in that direction you give it to those who will overpower the property of the borough in the first instance, who do not possess the proper qualification for the exercise of the franchise in the second, and who from their circumstances are more liable to corruption than others in the third. In consequence of this the Committee distinctly recommend that you should insist on the direct and continuous payment of rates by the occupier. The first extract I will read is this:

"The character and condition of the new class of voters is the first point that demands attention. It appears from the evidence that in general, and more especially in large towns like Newcastle-on-Tyne, the bulk of this class are far less qualified by education, independence, and sobriety to exercise electoral privileges than the direct ratepayers, &c. A large proportion belong to the lowest grade of the operative class. . . They take no interest, unless one merely temporary, in municipal elections. They are so uneducated that few of them can read or write. By the necessity of their ignorance and poverty they are usually under some external influence, &c. Such influence is

exercised in some cases by the owners of tenement property, who thus acquire, if they choose, a power in municipal affairs out of proportion to their share of the municipal burdens."

Once dispense with the direct and continuous payment of rates by the occupier as part of the qualification for voting, and see what the consequence will be. Not only will the elector himself be unfitted to exercise this franchise well and wisely, but the landlord will have an enormous influence in instigating the electors to go to the poll under a coercion which they cannot resist. The hon. Member for Galway (Mr. Gregory) has shown how, in America, electors were coerced and sent to the poll by landlords who could exercise this kind of authority over them; and do you imagine you can give this franchise here without the same consequences flowing from it? I have another extract from the Report of the Committee, but that was so well commented upon by my hon. Friend the Member for Leominster that I will not advert to it. It goes to show that the occupiers of small tenements so completely override property and intelligence in the different boards of a municipal borough that property and intelligence have no chance with them. The Report goes on to say:

"The witnesses concur almost unanimously in stating that too many of the occupiers of this class of tenements are open to the highest bidder; the bidding being in the form of drink and breakfasts given in public-houses, or of payment in the name of compensation for loss of work, amounting very often to more than a day's wages. Without such consideration it seems that this class of electors would rarely exercise their right, for which they appear to care extremely little, except as affording them an opportunity of eating and feasting at the expense of the candidates."

And in another part the Report says:

"Taking different wards of the same town, the evidence before them justifies the Committee in believing that those in which the small tenement voters are most numerous are the most noted for the prevalence of malpractices."

Now we have heard a good deal about the desirability of extending the franchise to other classes of persons than those who have it now, on the ground of intelligence. I agree in that remark. Where you find an intelligent and educated population give them the franchise; but you will not reach that educated and intelligent population by simply reducing the amount of the qualification to so low a level that you can expect to find neither education nor intelligence. Well, Sir, the House of Lords' Committee then recommended as a remedy for the existing evils, that, before you give the franchise to any class whatever, you ought to insist that they should be connected with the borough by contributing to the local burdens of that borough equally with the rest of the inhabitants. If you do not you put a better class of the community on a level with an inferior class, and you hand over that better class to the domination, as my right hon. Friend (Sir Bulwer Lytton) expressed it, of poverty and passion.

So much with respect to the borough franchise; and now a word or two as to the county franchise. I said at the commencement that the proposal of the Government is not so much a reduction of the county occupation franchise as it is the introduction of an entirely new system of franchise. I am surprised that the noble Lord, above all other statesmen, should, after what he has done and said with respect to this subject, have proposed a franchise which militates against the known principles of the Constitution; and I am convinced, if it is introduced, that it will end in the establishment throughout the country of that homogeneous qualification to which my right hon. Friend the hon. Member for Buckinghamshire referred, and the result of which will necessarily be to bring into this House one class of Members only instead of that variety of classes which we now see around us. The noble Lord contended at the time of the Reform Act that the distinction between the borough and county franchise ought to be retained—that distinction consisting in this—that the one rests on occupation and residence, and the other on property and tenure. It is not a distinction in amount, it is a distinction in things. The noble Lord in 1852 acted on that principle, and last year again he would not allow that the county and borough constituencies ought to be put on the same footing. Now, he will probably tell me that since he has put the county qualification at a £10 rental and the borough qualification at £6, they are not on the same footing. But that is a fallacy. The occupier of a farm in a county is a totally different person from the occupier of a £10 house in a borough. The occupier at a £50 rental in a county must be a man of capital, and must have property beyond the value of his farm, or he cannot carry on his business. He is constantly resident upon his farm, he is a person mixed up with the county affairs, he contributes to the county burdens, and he is interested in all that concerns the county. But none of these things can be predicated of the £10 householder. He has no value beyond his

tenement, and he has not necessarily a permanent residence in the county. He does not contribute to the county rates, he is not connected with the county interests, and has no sympathy with them or with the county constituency. The two are essentially different. You have in the rural districts a population much less stirring and much more fixed, and devoted principally to the cultivation of the soil. In the towns, on the other hand, you have a population much more migratory, much more active, and who are not engaged in the cultivation of the soil, or in duties incident to property, but in trades and professions. The two classes of men are distinct, and if you bring into the county an urban class, so as to make it at all equal with the rural class, from that moment you alter the whole character of the county constituency. It may be asked, what would the harm be? My answer is, that the harm would depend on three things—first, upon the nature of the old element in the constituency; secondly, on the proportion which the new element would bear to the old; and, thirdly, upon the effect it would have on the constituency and upon the Members whom that constituency returns. I have already shown you that the urban will be entirely different from the rural element. The only reason why by the practice of the Constitution the county vote was formerly confined to a man who had a freehold was, that a freehold was at that time the only known property in a county. You made a change in 1832. You extended the franchise to the copyholder and to the leaseholder for a long term of years—to two persons who, in the course of time, had acquired a right of property which they did not possess before. Property, therefore, was still maintained in your Reform Act as the basis of the franchise. Even the £50 occupier must necessarily be a person of considerable property, and a resident in the county. But introduce £10 householders, and what will follow? You are putting a £10 householder in a town, with no value belonging to the house in many cases over and above the rent he pays, upon a level with the £10 freeholder who has a life-long interest in the land, with a £10 copyholder who has a life-long interest in the land, with a £10 leaseholder for a long term of years, every one of whom by the condition of your law must have that value over and above all rents and charges. Can anybody say that the nature of the new constituency will not be totally different from that of the present? But what will be the extent of the change? The noble Lord himself admits that he cannot give us the figures upon which he bases his measure. In that respect, perhaps, I can give him a little help. Your present county constituency contains 500,000 voters. Of these 100,000 are the occupiers of lands or tenements; 400,000 are the owners of property, freeholders, copyholders, or leaseholders. One-fifth, therefore, is an occupation franchise; four-fifths a property franchise. What is the change now proposed? There are 415,000 persons in the possession of tenements which are rated between £10 and £50. You must deduct from these 415,000 such as are already on the register, and you must make an addition for the difference between rental and rateable value. Putting the number after your deduction at 200,000, and adding about 100,000 for the difference between rateable value and rental, your new constituency with an occupation franchise derived from houses will be something like 300,000. The existing constituency is 500,000; if this Bill passes it will be 800,000; but the proportions will be entirely changed. In your present constituency four-fifths are property, and one-fifth occupation; in your new constituency one-half will be property and one-half occupation. It is impossible to say, after this, that the whole nature and character of the county constituency will not be altered by the present measure.

A few words now as to the effect which it will have upon the constituency at large, or rather upon the composition of this House. I am confident that no exaggeration can be proved in the conclusions which I have stated; and to show that there is not, I can, in addition to the facts I have given, produce the testimony of one of the severest and profoundest political thinkers of the day, no friend to a restricted suffrage, but an advocate for universal suffrage if it can only be connected with education and intelligence. The writer I allude to is Mr. Mill. I beg the House will attend to a passage in Mr. Mill's pamphlet on Parliamentary Reform, published about a year and a half ago. Mr. Mill says:—

"Except in the few places where there is still a yeomanry, as in Cumberland, Westmoreland, and in some degree North Yorkshire and Kent, there exists in the agricultural population no class but the farmers intermediate between the landlords and the labourers. A £10 franchise will admit no agricultural labourer, and the farmers and landlords would collectively be far outnumbered

by the £10 householders of all the small towns in England. To enable the agricultural population to hold its fair share of the representation under any uniform and extensive suffrage short of universal, it seems absolutely necessary that the town electors should, as a rule, be held as of the county constituencies, and the sole alternative is to form them, or the great bulk of them, into communities by themselves."

You have them now in such communities; and upon what plea, for what reason, upon what grounds of policy and expediency, with what chance of improving the character of this House, are you by a stroke of the pen going to alter the whole relative value of your constituencies in counties and boroughs? What will be the effect produced upon the composition of this House? We have heard much of a variety of franchises. I agree in the importance of maintaining that variety. A variety of franchise is the only means by which you can obtain a fair representation of all the different interests in this country. But I hold that variety of constituencies is as important as variety of franchises. If you have it not, you will have the Members of this House representing one kind of qualification and one class of the population only. That would be the inevitable result. I think the character of this House is best maintained by having men of all classes the representatives of all interests in it; and I, for one, always regret when any man who is distinguished for his ability, for his industry, or for his attendance in his place, when any man of mark or eminence in any calling is excluded from us, in whatever part of the House he may happen to sit. The character of the House is raised by having different classes of Members in it, and I do not object to see—on the contrary, I am glad to see—that the merchants, the manufacturers, the engineers, the lawyers, the men of business, and the men of leisure, the representatives of the capital, industry, and peculiar mental activity of the different towns of this country are enabled to make their voice heard in this the Great Council of the nation. But believing that this forms an essential part of the character of this House, yet with the greatest respect for the Members who represent towns and boroughs, I must take leave to doubt whether the tone of this House would be raised, whether its deliberations would be better conducted or its decisions be more sound, if we were to exclude all Members, or a great portion of them, who come from the counties. I believe, on the contrary, that by reason of their sterling qualities, by their steady application to business, by the excellence of their judgment, by their sound good common sense; even though they may not take so active a part in our debates as some other classes of Members, they are what the late Sir Robert Peel in a beautiful speech once called "the ballast of the vessel of the State," and when you are under press of canvas and dangers thicken around you, they are the men who steady your course and secure for your navigation a happy issue. For these reasons I am strongly, clearly, and decidedly of opinion that, for the purpose of preserving the character of this House, we ought to maintain that distinction between the county and borough franchise which unfortunately led to a temporary difference between myself and some of my friends near me last year. That my opinion, strong then, is as strong now, and I for one can never surrender the principle, wishing, as I do, to see the House represent, as it ought to represent, all classes and all interests in the kingdom. If I am right, let me beg you to put yourselves forward for two years, and suppose this Bill passed. What will be the effect of it? You call it a simple measure, and you say that is its recommendation. Simple it is, but that is its fault. You merely make a reduction of franchise both in counties and boroughs. That simple reduction is a lowering of the quality while it increases the quantity of the constituency. You enlarge its number, but at the same time you deteriorate its character. I have shown that in boroughs you are going to dissever representation from taxation, and that in counties you will separate representation from property. I ask the House whether property and taxation have not always been the basis upon which the franchise has rested, and whether, if you introduce a new state of things, you will not find—to use the beautiful language addressed to you the other night—wealth and intelligence placed at the mercy of poverty and passion?

I will now advert to my third point—the redistribution of seats. The other night the hon. and learned Member for Marylebone pointed out various objections to that part of the measure, which showed its utter untenableness. He says that you propose a disfranchising measure on the ground of population—that you are taking away a second Member from those boroughs that have less than 7,000, though in some

instances where you do this the electors are more numerous than in the boroughs you leave untouched. This shows how indefensible your measure in this respect is. You take away the second seat from different boroughs whether you want the seats for other places or not. The consequence is that you have introduced into your measure the objectionable scheme of giving a third Member to several large constituencies; and the consequence will be, that instead of giving a representative to the minority, which I suppose is what is intended, you will give the additional Member to the majority alone, whenever there is any excitement at a general election. If I may throw out a suggestion, with regard to this point, I would say that you should give a Member to those places that are not represented now—that you should divide those counties that are too large and that are not adequately represented, and that the Universities in England and Scotland, and, where the graduates are sufficiently numerous, the Universities in Ireland also not now represented, should have the right of returning Members of their own. To this or to something like I would limit the re-distribution of seats.

Sir, I have now gone through my objections to the different portions of the Bill, and have expressed myself earnestly with regard to some of its provisions; I have done so in no captious spirit, or from any desire unnecessarily to find fault:—my object in taking part in this discussion is to clear the way in Committee. I have endeavoured to show that you are going simply in a downward course towards unchecked democracy; that you are reducing the franchise to so low a level as to include ignorance and incapacity, to the practical exclusion of the wealth and intelligence of the country; that you are assimilating the county and borough franchise, not in actual amount, but in its character and quality; and that you are taking the untenable course of disfranchising or partially disfranchising on improper if not impracticable grounds. I have shown you, what also has been shown you by the hon. and learned Member for Cambridge (Mr. Macaulay) that you are doing this to an extent and in a manner that will leave you no chance of settling this question on a permanent and satisfactory basis; because if you pass this measure in its present form this consequence will follow:—The same justification which you say you have for lowering the borough franchise to £6 must carry you down to a lower figure, to £5, or £4, or even £3. The same policy which leads you to abolish the actual distinction between the county and borough franchise will lead to place them on identically the same level as soon as the principle on which that distinction rests is taken away. The same argument, drawn from numbers, that induces you partially to disfranchise the borough that has a population under 7,000 will aid irresistibly the hon. Member for Birmingham in taking a higher figure for disfranchisement—say 10,000, 20,000, or even 50,000 inhabitants. The same advantages which you expect to derive from adding a third Member to certain towns and counties, or divisions of counties, will also aid the hon. Gentleman in his views, and he alone will get the benefit of this measure, for it will enable him to contend that you ought to give to some places four, five, or even six Members. This will entirely alter the character of your representative system. But if this be the measure, what is to be done? We have all of us agreed not to oppose the second reading of this Bill; and we on this side of the House have done so for a reason somewhat different perhaps from that which guides other Members in their concurrence. The reason why we support the second reading of the Bill is that a pledge has been given—given repeatedly and solemnly, not merely by different parties in the House, but given by the Crown—given by this House—and given by the whole Parliament—that we would reopen and reconsider the question of Parliamentary Reform. So solemnly and repeatedly, I say, has this pledge been given, and nothing could be more unwise, in my opinion—nothing could be more unjustifiable than to dally with the question, to hang it up or keep it dangling above our heads, until it becomes a mischievous theme for political agitators, or to palter, as it were, in a double sense with the great expectations that we have raised regarding it. That is the reason why I support the second reading of the Bill—or rather, I ought to say, that is the reason why I should have supported it before the Easter recess. But I own since then that circumstances have occurred which seem to me of so startling a character, that I hardly know what to think or what we ought to do. [*Laughter.*] Do the hon. Gentlemen below the gangway who laugh at that observation see the point of it? What are the circumstances to which I have referred? We have

been told on undoubted authority that the announced intention of reopening this subject of Parliamentary Reform was made by the then First Minister of the Crown without the knowledge or consent of his colleagues.

LORD JOHN RUSSELL: It is not true.

MR. WALPOLE:—The matter is so important that I am exceedingly glad to hear the noble Lord deny the statement; and if the noble Lord would have the kindness to offer to the House an explanation of the transaction to which I have alluded, I shall be very glad to pause to listen to him. The noble Lord says the statement is not true, and when he says so I implicitly believe him. But at any rate a noble Earl, a colleague of the noble Lord at the time I refer to (Earl Grey), has said that when the proposal for re-opening the question of Parliamentary Reform was made, he, being a Member of the Government, disagreed with the proposal, and that he only consented to it because he knew that attacks were going to be brought against the Department of which he held the seals; and the noble Earl went on to state that he confessed to his having committed a great mistake in so doing, and he then added the remarkable statement to which I have just alluded. This statement was made by the noble Earl in "another place," and down to this moment it has never been contradicted. After the denial of the noble Lord I am not disposed to pursue the subject; but I am reminded that since that statement was made the noble Lord has addressed this House on the Bill before us, and that he gave no explanation to the House on the subject. Any Member, therefore, was justified, until that statement was explained, or contradicted, in accepting and believing it as a fact. But, as it has now been denied by the noble Lord, I shall pass on to another circumstance connected with the conduct of the Government in dealing with this question—I mean their dealing with it in a different way in the two Houses of Parliament. Here, in this House, we are to have no inquiry. In the other House inquiry is going on. The measure before us is a measure which particularly concerns our functions here and our duty to our constituents. I wish to know in what position this House will be placed if we proceed with the measure before us and send it to the other House of Parliament. That House will then deal with it as it thinks fit. Either the inquiry will be completed, or it will not be completed. If it is not completed, then this measure will be laid on the shelf, and we shall hear little more about it. If the inquiry is completed, and it turns out that the information upon which we have legislated is not full and not accurate, in what a humiliating position will this House be placed! We shall have the measure sent back to us with an intimation that we proceeded upon imperfect *data*, and we shall then, I am sorry to say, cut a figure which will be no credit to us either here or elsewhere. Under these circumstances I say again it is difficult to know what it is best to do. On the one hand I am anxious to redeem the pledge which this House and Parliament have given, because I think that the expectations which we have raised among the people ought not to be disappointed. On the other hand, I am equally confident that you ought to proceed with this measure in such a manner and on such information that the settlement you make will be something like a permanent one. How it can be so under present circumstances I own I do not see. And if it is not a permanent settlement nothing can be more mischievous than to leave this subject a theme for agitation throughout all the constituencies. I remember that the noble Lord once told us an anecdote with reference to the first Reform Bill. He said that on the eve of proposing that measure he had a conversation with the American Minister then in this country. He expressed anxiety as to what he was about to do, and said that that anxiety arose from the fact that he was about to deal with a Constitution which had lasted so long. The observation of the American Minister in reply was—"so long and so strong." Remember those words—"so long and so strong." The length and strength of our original Constitution is matter for history. It benefited this country for many a century. Your second Constitution, made by the Reform Act of 1832, is not much older than the youngest man among us; and the very parent who gave it birth is now sacrificing it and following it to its grave. The length and the strength of your new system, if you are to have one, must depend, I am perfectly confident, upon the accuracy of the information and of the *data* upon which you proceed, upon the soundness of the principles upon which you act, and upon the wisdom of the policy by which you are guided. Whether you have accurate information now I cannot pretend to say; but this I do say, that the only principles upon which you can proceed with a chance of

settling this question satisfactorily will not be those principles which base the representative system upon the lowest, the poorest, and the most uneducated class—but those principles which will give to intelligence and education their proper weight in the Constitution; which will keep all your institutions in harmony with each other, and which will connect representation with property, with taxation, with virtue, and with intelligence. If you act upon those principles, then I say you may proceed with this Bill with some degree of confidence; for I should then feel that you might settle the question wisely and settle it well. But if you do not, yours may be the triumph of passing a measure which no one approves and which cannot last: ours must be the satisfaction of knowing that by this discussion, and by the enforcement of the principles which we have endeavoured to advocate, we have sought but one end, we have had but one object, and that is to improve and to amend, and, while we improve and amend, to uphold and maintain that Constitution which, say what you will, has been more conducive to real freedom than any other which was ever devised by the wit of man for the happiness, the well-being, and the good government of a people.

THE CHANCELLOR OF THE EXCHEQUER: Whatever may be the difficulties, Sir, which beset the course of the House upon the present occasion, I confess I do not think that serious weight is to be attached to those two circumstances to which my right hon. Friend (Mr. Walpole) has adverted in terms so grave, and which he has described as so seriously perplexing his own judgment as to leave him entirely unable to determine what he should think or what he should do. ["Oh, oh!"] I am quoting the words of my right hon. Friend. The first of those circumstances was that, as he believed, my noble Friend the Member for the City of London had originally announced his intention to propose a Reform Bill without prior consultation with his Colleagues. That circumstance has at any rate been disposed of by the declaration of my noble Friend, who has stated that it has no existence whatever. But permit me to say, Sir, that even if it had not been so disposed of it would have borne but very slightly upon the present position of this great constitutional question; because what we have to consider is, not the secret communings of my noble Friend with the Members of the Government over which he presided, but it is the public pledges by which that Government consented to become bound, it is the vote of this House which preceded that first public pledge, it is the course of subsequent proceedings, to which my right hon. Friend has himself adverted as being so full of meaning and significance. Then, with respect to the second of those circumstances, my right hon. Friend finds great difficulty in the fact that another branch of the Legislature has thought fit, with the assent of Her Majesty's Government, to institute an examination into the probable numerical effect of the proposed franchises upon, I think, the borough constituencies, or upon the constituencies at large. Her Majesty's Government in consenting to that measure, upon the express understanding that it should on no account be used to postpone the progress of this Bill, have done what I believe is not without precedent, although I grant that it may be open to argument. That is to say, that they have admitted the anxiety of other persons for inquiry as a sufficient reason for permitting a particular kind of investigation even where their own minds were satisfied and made up as to the course that they should take. As I have said, there may be arguments this way or that as to that particular step; but all those who are conversant with Parliamentary proceedings know that it is by no means an uncommon measure of deference for the Government to show to a prevailing sentiment in either House of Parliament, and that when the Government assents to the appointment of a Committee upon a particular question it by no means implies the slightest hesitation or the slightest admission on their part of the want of materials necessary to the formation of a conclusive judgment. Therefore, I must confess that I am perplexed by the perplexities of my right hon. Friend. I am the more perplexed at them because I felt the immense importance of what he had before urged. He said that apart from these disturbing causes he thought that it was a matter of clear and imperative duty to go forward with this Bill to the Committee, not on the ground that he approved the Bill, or all its provisions—because on that subject he explained himself so that none could mistake him—but upon the ground of the general position which the question had assumed, upon the ground of the pledges that had been given by all persons, all parties, all leaders, from the Throne, from the mouth of the Sovereign, echoed back in the Addresses of this House,

and further established by our proceedings. My right hon. Friend said that, under these circumstances, he thought it had become a matter of paramount importance and of public duty that we should proceed to the practical consideration of this question. That seemed to him a satisfactory reason; but the question is, are we proceeding to a practical consideration of the question? The right hon. Gentleman said, "Do not dally with this subject; do not play with it;" but there are more ways than one of dallying with a subject, of playing with a subject. I speak on the sixth—on the sixth and I hope on the last—night of this debate. We have arrived at that term of days which sufficed for the Creation, and it is upon other grounds, besides that, a most auspicious time for the conclusion of this debate. The right hon. Gentleman the Member for Buckinghamshire says that he does not wish for delay, but he wishes for discussion. The love of discussion is a powerful and legitimate motive in this House; but the love of discussion, like other good things, may be carried to excess, and one begins to believe that there is some danger of its being carried to excess when the discussion is steadily and carefully disconnected from any practical proposition, and when it proceeds to a length which is, I believe, unknown within the Parliamentary experience of any person who hears me. I believe there is no example within the recollection of any Gentleman who sits in this House of a debate being continued for six nights without there being a Motion upon which the House was to divide. Well, but this is a very serious question. Far be it from me to dispute that upon such a question as the alteration of our Parliamentary constitution you may go on for six, or for six times six, nights without exhausting the power or the limit of delivering speeches which shall in themselves be full of matter of interest and importance; but surely that consideration is crossed by another not less important, and that is whether it is the main duty of this House to speak, or whether it is not necessary to consider the opportunities for action. A debate of six nights, continued without any Motion on which the House is to divide, exhausts something like one-eighth part of the whole time at the disposal of Government during a Session of Parliament; and that time is occupied without ascertaining the opinion of the House upon any one definite sentiment or principle by which it is to be governed, guided, or judged. You ascertain the opinion of individual Members, but of the House you do not ascertain the opinion; and I put it to the House with great respect that it is not convenient beyond certain limits that even what is called free discussion should be pursued without the enunciation of some principle or form to which majorities and minorities of this House are bound to assent or dissent. I entirely concur with my right hon. Friend that apart from the views we may take of the particular questions involved in the provisions of the present Bill, it becomes a matter of prime public interest that this House should seriously and practically express its sentiments on this subject. I think I may claim some credit for sincerity in my desire to see this question disposed of [*Ironical cheers*], because when hon. Gentlemen who think fit to sneer at that declaration were themselves the supporters of a Government that introduced a Reform Bill, I, disapproving of the principle of that Reform Bill, declined to vote with my noble Friend in expressing that disapprobation for the very purpose of carrying that Reform Bill into a Committee of this House. And, for the same reason I am entitled to urge the paramount expediency and prudence, not to say the duty, of rescuing this question from the condition in which it is suspended, baffling and bewildering the public mind, and raising doubts as to what is the real value of the pledges of public men when the public perceive debates continued not only from night to night, but from week to week, and from month to month, and those debates not attempted to be led to any intelligible issue. With respect to the Bill before us I wish to draw a distinction for the purpose of keeping within bounds such observations I may address to the House between the different classes of objections. I will not follow my right hon. Friend in his observations about the county franchises, further than to say that I think the estimate of 300,000 voters to be added under the provisions of the Bill is much more than double what we believe, and can show to be, the probable increase. I will not follow him either into the disfranchisement of seats, because, important as it is, it occupies a secondary place in this Bill, and it had much better be dealt with in Committee. I will only venture to say with respect to what fell from the right hon. Gentleman the Mem

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ber for Hertfordshire, who stated that the disfranchisement of seats ought to have been carried to a much greater length than the Government have thought expedient. [Sir BULWER LYTTON intimated dissent.] I thought the right hon. Gentleman said so; well, then, I transfer the observation to the hon. Gentleman the Member for Salford (Mr. Massey) and will reply that it is only another way of saying that the present Government ought to have introduced into the House of Commons a Bill which they had no chance of carrying. I freely admit, in passing, that many of the observations made with respect to the novel franchises, such as graduates and savings banks, are perhaps very good; only these franchises being novel are very difficult to deal with, and, being embodied in a legislative form, would only produce minute and insignificant results. I admit that you may give a greater elaboration and a greater perfection to your work by studying to find every description of intelligence and social power that can be invested with the franchise. But I ask my right hon. Friend to make me this admission—that when a question like that of the representation of the people, from a series of unfortunate circumstances, has appeared to the country to be played with and bandied backwards and forwards between Governments and parties for years, instead of having been made a subject of serious handling, the Government is bound to consider not only the most complete and most finished details, but also whether by the simplicity of those details, they may not hope for a better reception for their measure, and a greater likelihood of its being passed? Now, Sir, it seems to be supposed by many that there is a kind of treason to the Constitution in introducing a Reform Bill; or, if it be not treason, and if that is too harsh a word, my hon. Friend the Member for Galway (Mr. Gregory) appeared to take it for granted that to introduce a Bill for the amendment of the representation was to be construed into a condemnation of the existing Parliamentary constitution. I think that was the sense in which my right hon. Friend (Mr. Walpole) spoke when he said at the close of his speech that my noble Friend (Lord John Russell), having been the parent of the Parliamentary constitution of 1831, and after having applied the knife to its throat, was now engaged in following it to its grave. For my own part, I may confess that it was in a different spirit and with entirely different views that the Government approached the consideration of this question. It is not because the present system has failed—it is not because its defects are intolerable or grievous—but because the Government believe that the present system, good and excellent as it is, and admirably as it has served the country during the generation it has existed, is susceptible of improvement, and because it has been made the subject of positive pledges and promises to the British nation, that this improvement will be attempted—pledges and promises which they think it the duty of the Government to carry out. It was the practice of the old Parliamentary constitution of England to carry forward enfranchisement from time to time. Unfortunately—very unfortunately—that practice ceased in 1688. What was the consequence? The consequence was that, whereas you never had any difficulty before, the cessation of this practice caused the most serious difficulties, and led to the introduction of a sweeping and in some respects a violent measure which had become a necessity of the time, but which in no other country would have been carried without a popular revolution. That was the effect of too long delay, of obstinate resistance, of exciting causes which, occurring at a particular moment, made the measure more necessary, and at the same time more dangerous. It is no just matter of imputation upon the Government if, finding these legacies bequeathed to them, they deem it of the highest importance to avoid again placing the Government in a similar position; and if they endeavour to make such a proposition as may give satisfaction to the people, and may dismiss us from these six night's debates upon what is to be the constitution of this House of Parliament, in order that we may address ourselves to the overwhelming mass of public business which has every year to be brought forward in such increasing degree, and of which they find a perpetual fountain head in the vast and almost over-extended Empire of Great Britain. Let us put aside a number of questions which I admit are important, fair, and just in themselves, but which are really questions for Committee. It is a question for the Committee on the Bill whether amendments shall be made in the law in various respects. I will give an instance or two. The right hon. Gentleman suggested whether the law might not be amended with advantage in the case of

compound householders, and whether the principle of the direct and personal payment of local as well as Imperial taxes is or is not a fit condition to couple with the franchise. The right hon. Gentleman is, however, mistaken if he supposes the Bill introduces any new principle in that respect; because, although it is true that the general Act for composition does not touch the existing franchise, yet there are some local Acts which extend to houses of upwards of £10 value, and a multitude of these compound householders are in existence to whom every observation made by the right hon. Gentleman is as applicable as to the compound householders in the present Bill. [Mr. WALPOLE: Not where they pay the lower rate.] But their position in regard to the franchise and their liability are precisely the same. With respect to those novel franchises which have been called "fancy franchises," the Government cannot be supposed to entertain any objection to them upon principle, inasmuch as my noble Friend and a large proportion of the present members of the Cabinet were themselves the men who, six years ago, first proposed those franchises to Parliament. Then, whether the franchise shall be dependent upon simple rental or rating is a question which cannot be closed by the second reading. We shall make much more practical progress upon these questions in Committee than by prolonging discussions in which opinion are expressed this way and that way, but wherein nothing is affirmed or denied on the part of the House of Commons. These questions I put aside, and deal with the one question of principle, which causes the real opposition to this Bill. The real objection taken to the Bill is the £6 franchise—that is the gist of the complaint against the Bill. Every other offence is pardonable, but this offence is unpardonable. My hon. Friend the Member for Galway says that four out of five Gentlemen are full of alarm and horror at this measure, and the ground of that alarm and horror is that a £6 franchise, as we are told, will swamp the constituency by the addition of an overwhelming mass of votes of the lower class—immense in quantity, bad in quality, and able to outweigh and overdo the other classes of the constituency. Is that true, or is it not? And, in the first place, is it altogether just to hold the language that has been held even by my right hon. Friend, although in a less definite form than by others, with respect to the inferior qualities of the working classes? Sir, I do not admit that the working man, regarded as an individual, is less worthy of the suffrage than any other class. I do not admit the charges of corruption which my right hon. Friend, amid cheers from many of those who sit around him, read from the Report of a Committee of the House of Lords. I do not believe that the working men of this country are possessed of a disposition to tax their neighbours and exempt themselves; nor do I acknowledge for a moment that schemes of socialism, of communism, of republicanism, or any other ideas at variance with the law and constitution of the realm are prevalent and popular among them. I grant you that you might corrupt the working class of this country if you gave it a monopoly of power; but it is not now corrupt, and the question is—would this Bill give it that monopoly of power? I wish to reduce this matter fairly to an issue, because I entirely object to the doctrine that you are deteriorating the constituency simply by bringing within it a portion of the working men. I say, if you give the working classes the complete command over the constituency, you may corrupt them and make them deserve those invectives which have been so freely and, I think, unjustly lavished upon them. But I repeat and deny that you deteriorate your constituency merely because you say that henceforward £6, in place of £10, shall be the limit—that whereas heretofore scarcely any of the working men have enjoyed the franchise under the Reform Act, henceforth a considerable number shall be permitted to enjoy it. And my right hon. Friend, reiterating what was well said by the hon. Member for the West Riding (Sir John Ramsden), in which I heartily agree, told us that we shall not perform our duty to the country by merely passing something that we call a Reform Act. Let us rather pass something that will give satisfaction, and promise permanence, and promise permanence in that qualified sense in which alone any sensible man, on either side of the House, would venture to apply the epithet to such a subject. But will my right hon. Friend allow me to observe that I think it is material, if you really admit that it is desirable to get rid of agitation on this question, to bear in mind that the way to get rid of it is not by reducing your measure to the smallest possible modicum, but, on the contrary, that may be

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the very means of keeping alive and increasing that agitation, or even of creating it where it did not exist. The best course, in point of policy and prudence, is—avoiding excess and extreme change—at the time when you think it your duty to consider the admission of a portion of the labouring class to take care that the portion you do admit is not too small, but such as will increase the confidence of the working men in general in the laws by which they are governed. Therefore the mere reduction of the boon you are about to confer is not the way to insure permanence—is not the way to promote the application of true Conservative principles to the Constitution of this country. Is it, then, a reasonable or an unreasonable admission that is proposed by this Bill? You will tell me that in speaking of amount, I am speaking of quantity only, not of quality. I take leave to demur to that imputation. I say, if we are justified in stating that we deal only with the more instructed, intelligent, and independent portion of the working classes of England, that we are speaking of, and dealing with, quality as well as with quantity. We assert that the quality of that body of our working men is good enough to entitle them to a share in the privileges of Parliamentary representation. You want no selection from them. [An hon. MEMBER here make a remark.] I beg the noble Lord's pardon. I said nothing of universal suffrage. I said no selection is wanted among that portion of the labouring classes. And I confess, if you are to lay down the doctrine of selection, and to be so very eclectic in the formation of your Parliamentary system, I really do not know where your principle would stop in its movement upwards. I am by no means disposed to admit that the shopkeeper between £10 and £20 is always a very wise man, or always a very contented, very intelligent, and very independent man. Nay, further, and I should not like to say what would be painful to any one, but I think that at the very much higher annual values than £20, by the principle of individual selection, you might find indifferent elements which it would not be desirable to embrace in your electoral system. Will the House bear with me, as this seems to be the vital point at issue, while I endeavour to state the views at which the Government have arrived with respect to the amount of change that we are about to make? I restrict myself entirely to the question of the borough franchise, because I think, if we can dispose of that, there is no other matter as to which there need be any great difficulty. ["Oh, oh!"] I am afraid, Sir, my love of peace has made me too sanguine; but at any rate I hoped that if we could settle the borough franchise there would be some likelihood of our getting rid of our other difficulties. Well, what is the number of persons who will be admitted to the borough franchise under this Bill, if it passes as it stands? We are by no means without very good instruments for arriving at the truth in this case. Very much care was taken by the Government during the preparation of the measure, and before the Session of Parliament, to provide itself with information; and of course the further scrutiny which the question has undergone in this debate has enabled us to enlarge our means of obtaining that information. And I do not hesitate to say that it amounts to what one may fairly call, if not demonstration, yet reasonable certainty that the admission to take place under the £6 franchise in the town constituencies of this kingdom cannot possibly be more than 200,000, and is much more likely to fall short of 150,000 persons. Let us look at the elements of the calculation by which we come to this conclusion. You find, in the first place, that you have in the boroughs and cities of this country 566,000 persons who are male occupiers of tenements, each separately rated for the relief of the poor, and at a value of £10 and upwards. You then turn to your register, where you find that the number of £10 voters is at the outside 410,000, but is in reality somewhat less than that, because undoubtedly that includes some portion of the freemen and scot-and-lot voters. You have, therefore, a gross £10 constituency, so to call it, of 566,000 persons, but actually consisting of 410,000. I am stating everything against myself in these figures. Then the number of male occupiers, according to the gross estimate, at a rental between £6 and £10 is 272,000. We have thus obtained the three terms of a proportion or rule of three sum. And if you take the same proportion of the gross constituency, so to call it, below £10 as you have proved to exist above £10, the total increment of the constituency under the present Bill would be *primâ facie* 197,000 persons. That is the first proposition I have to make. I do not say that that is not subject to a great deal of discussion and debate, or to some correction and modification. ["Oh!"] I am sorry my hon. Friend thinks it neces-

sary to cheer me scoffingly, because we shall go by and by into the modifications and see what they are. My only object is to make the matter intelligible and bring it to a definite issue. I assume, making the same deduction from the gross estimate below £10 as above that limit, that there will be a *primâ facie* addition of 197,000 to the present registry of electors. The question is whether that will be the probable number? Let me beg the House to consider briefly what are the arguments for increasing that amount and anticipating a larger increment, and what are the arguments for reducing it. The arguments for increasing it are, I believe, these:—In the first place, it is said that many occupiers of separate tenements being compound householders—that is, holders of tenements separately rated, but for which the rates are paid by the landlord—may claim to be placed on the electoral list. That is perfectly true. I do not at all deny that on general grounds, quite apart from any question of the relation between class and class, the condition of the law with regard to compound householders may deserve attention, because it presents to us this state of things—that besides your actual constituency you have an immense, what I may term potential constituency in a great many towns, consisting of persons who are kept off the register simply by the fact that they do not pay the rate which the landlord pays for them, but who might claim to be placed upon it at any period. I confess I think it undesirable to have a very large number of persons who might at any moment, under the influence of some local motive, or from passion or temporary excitement, be brought upon the register, and thereby suddenly alter the character of the electoral body. Whatever may be the character of the constituency, be it large or small, it is desirable that that character should be marked and permanent and not subject to sudden and violent changes. But that is a matter wholly independent of the present Bill; because when we speak of the probable addition to the constituency, we must look at the facts as they are. We find, then, that there are a number of these compound householders at rents above £10—namely, where there exist local Acts carrying the composition up to rentals of £20. And, in point of fact, these compound householders do not claim to come upon the register. We all know that the value of the franchise to a man diminishes as you go downwards. A poor municipal voter must go and perform his day's labour, unless paid for abstaining from it; therefore, the proper answer to that argument as to these compound householders is, that as they do not when above £10 put in any claim, except in cases so few that we may dismiss them from view, much less will they claim when below £10. The next allegation was made by the hon. and learned Member for Marylebone (Mr. James), and was that there are a great many holders of separate tenements not separately rated, but who may claim to come on the rate-book and appear as voters. But the answer to that is, that as these tenements are not separately rated they cannot appear. Unless in the limited case of what are called joint tenancies, it is only in the case of a separate rating and not of a separate tenement that any claim whatever could exist. But the grand subject of debate and alarm is the allegation that the gross estimated rental is very much less than the real amount paid, and that therefore many who do not appear in the columns of £6 voters and upwards, founded on the gross estimated rental, would nevertheless become voters by the Bill. Let us examine this allegation—because, as I understand the feeling of the House, it is agreed that in discussing the probable numbers of the persons to be admitted under the £6 franchise we are really dealing with the pith and marrow of the Bill. In the first place, I ask, is this statement that the gross estimated rental is less than the clear annual value of importance if true; and, in the second place, is it true? I say it is not important if true, and I say also, and will undertake to show, that it is not true. First, I say it is not important, even if true, because almost as many as you add to the £6 constituency from persons appearing to pay less than £6 rent you have already added to the £10 constituency, for the very same reason, from persons paying rent between £6 and £10. The number is not exactly the same, because the class increases somewhat in number as you go down. I am glad this is a matter of figures, and that I am able to exhibit the exact amount of difference. I make an assumption—to be sure, I make an assumption for argument's sake, and you can judge of it for yourselves—I make the assumption that the gross estimated rental is 20 per cent below the real rental. In that case all persons who appear to pay £5 of gross estimated rental will really be £6 voters. And the consequence will be

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that you will bring in a gross number of 108,000 persons to swell the new constituency. But how many have you to take out at the other end? Because, if a gross estimated rental of £5 really qualifies a man to appear as a £6 voter, then it follows that a gross estimated rental of about £8 6*s*., establishes a man as a £10 voter. I find that the number of persons between £8 6*s*. and £10 is no less than 78,000; and therefore, even upon an assumption so extravagantly favourable to the other side as that, there is a deficiency in the gross estimated rental, as compared with the clear annual value of 20 per cent, over all. The whole difference in the constituency would be a matter of only 30,000 persons; a difference not inconsiderable, but certainly by no means such as to justify the alarming representations which have been sounded through the country to terrify us all out of our propriety. It has been said by a right hon. Gentleman, that there is an increasing tendency to undervalue, as you go down, from the higher to a lower class of houses. But I venture to say that, as far as towns are concerned, there is not a shred of evidence in support of that proposition. I do not speak of the country, or enter into questions of cottages. Why should there be a tendency to estimate a cottage in a town further short of its real value, than a house of £50 or £100 a year, than which it must be much easier to value? The valuation of a house or shop of £50 or £100 a year is affected by fifty considerations, which are open to argument and debate, while the value of cottage property in towns is perfectly well known, and therefore the fair presumption is, that it will be rated closer to its real value, and not further from it, than house property of a higher class. As far as there is any positive evidence supplied by the tables, it is entirely in support of this doctrine; because the difference between the rateable value and the gross estimated rental, is not only not greater, but very much less, in the case of £5 and £6 houses, than is the case of houses above £10. There is a difference in the case of property between £9 and £10 of no less than 21 per cent; whereas, in the case of property of £5 and £6, the difference is reduced to between 3 and 4 per cent. I think we have been able to obtain conclusive evidence, which will soon be in possession of the House, to show there is no truth whatever in the allegation I am now dealing with. Very recently my right hon. Friend, the President of the Poor Law Board, has addressed to all the 1,600 parishes, which constitute the Parliamentary cities and boroughs of the country, inquiries to the following effect:—Does the gross estimated rental in the paper laid before Parliament correspond with the real rental, or does it not? If it does not, does it exceed or fall short? And, if it exceeds or falls short, what is the percentage of excess or deficiency? These questions have been sent to the overseers of the parishes, who are conversant with the actual rating and the local circumstances, and will therefore supply the best information to be had. I beg the attention of the right hon. Gentleman to the result, as far as it has been ascertained. The number of parishes from which returns have as yet been received, is 1,300. Some of the returns are not quite clear; but 900 of them have been examined and regularly tabulated. These 900 returns embrace 377,000 male occupiers out of the 566,000 that form the total; and represent, therefore, two-thirds of the whole cities and boroughs returning Members to Parliament. Out of those 900 parishes, 708 have returned as answer, that the gross estimated rental is equal to the real rental, or clear annual value; and these 708 represent about 89½ per cent of the whole male occupiers represented by the 900 parishes. The answers from the remaining 192 parishes, show that the rating is closer in the larger than the smaller parishes; for they reply that the gross estimated rental falls short of the real annual value. The percentage of male occupiers is 10½, or a little more than a tenth; and the percentage by which the gross estimated rental falls short of the real amount, is, I think, 18 per cent. If you make allowance for that 18 per cent of deficiency upon the whole of these 900 parishes, the *primâ facie* result is, that you have to add to the constituency, in respect of the whole of this supposed deficiency of the gross estimated rental, 8,600 persons. But 8,600 is the number added from householders below £6 actual rental; you must, therefore, deduct the number subtracted from above. ["Oh, oh!"] This is a matter of arithmetic and not of argument. By that simple rule, and making the proper proportionate deductions from above—namely, of those who appear on the £10 list already, which is 6,200—the whole addition to be made, if we may take these 900 parishes as a specimen of the whole—and I believe they are, for they have been taken alphabetically—the whole

addition to be made to the constituency by this Bill, which has so agitated this House during so many nights, which has bewildered the minds of right hon. Gentlemen opposite, which has thrown the country almost into a state of excitement, which has led to the doctrine that the Constitution is in danger, and going to be sacrificed; the whole addition that is to be made on the score of the deficiency of gross estimated rental, is the moderate and not very dangerous amount of 2,400 persons. I am quite sure that it is my fault, in not having clearly explained myself, if any hon. Member thinks it necessary to follow that statement with expressions of derisive unbelief; but I am speaking strictly from official figures. [*A laugh.*] Yes, official figures of local, not of Government officers, persons entirely independent of us, and whose statements I believe are the best the case admits of. Well, now, these are the reasons for my argument, that the increase of the borough voters which has been made the subject of such frightful alarm will not be greater than I have stated. Now, let us look at the argument for diminishing the proportion. Let me again take the question, which is this—ought we, as between the gross constituency and the net constituency, to take a greater difference, the same difference, or a less difference below £10 than above £10? I have disposed of the reasons for taking a greater difference; I will now show the reasons which appear very strong for taking a less difference. What are the reasons, then, why with our estimated gross constituency you have only 410,000 £10 voters? The reasons are three. First, the compound householders, who, though they have a title to come on the register, yet practically do not come in nineteen cases out of twenty; second, the default in payment of rates; and, third, the constant tendency to migration. I think it may be curious to the House to have a Return—I do not give it as conclusive, for it is only single; but it is a Return for the large parish of St. Leonard's, Shoreditch. Under the present Reform Act it requires an average period of possession of twenty-two months in a borough before a man acquires the right to vote on the ground of occupancy. Well, in the parish of St. Leonard's, Shoreditch, there are 17,000 houses rated to the poor; out of these 17,000, 2,400 houses change their inhabitants every year; and in every twenty two months 4,400 change their inhabitants. So that in point of fact more than 25 per cent of the population migrate during the average period for which a man must reside in a borough before he can get a vote. I know that a deduction must be made, because a man changing one tenement for another in the same borough does not lose his vote. I have not estimated the deduction that ought to be made in this respect, but the House will see from the figures I have quoted the immense amount of migration which exists in the possessors of houses in such a parish as the one I have selected, and the large deduction that must be made on that account. Well, every one knows that all these three causes, which reduce the gross constituency so much above £10, operate with enhanced force below. The compound householders are less likely to claim their votes below than above; the tendency to emigrate increases as you go downward; and the numbers of those making default in the payment of rates must necessarily and inevitably increase as you descend in value. Therefore, in point of fact, the rational conclusion is that the number of 197,000, the *primâ facie* number to be introduced by this Bill, ought to undergo very considerable reduction before we recognize the real addition to be made to the constituency under the Bill now before the House. Well, then, I really ask the House and Gentlemen I see before me, whether such a measure justifies the lively descriptions that have been given of it, and the high colouring that has been given to those descriptions? I see before me the right hon. Gentleman the Member for Hertfordshire, and I cannot do better than take his speech as a specimen. The speech of the right hon. Gentleman was everything that could be desired, except one thing only—that is to say, there was not only eloquence in it, not only high feeling, there was likewise argument; but there was one thing deficient—permit me, with no feeling of disrespect, to say that there wanted the basis of fact on which he reared the whole fabric. We have had many appalling phrases used in this debate, and they are fresh enough in the recollection of most of us. We were told the constituency was going to be swamped—that the present constituency would be reduced to impotence—borne down by the force of numbers. Is it reducing a constituency of 410,000 to impotence by the addition of 150,000 not exclusively composed of the labouring classes? What said the right hon. Gen-

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tleman? He said, you are going to give "the lion's share to the labouring classes." Is that the lion's share? Take the case according to this statement—I venture to say the very best, most comprehensive and accurate evidence that can be laid before the House, or is attainable on this subject I do not require to detain the House by pointing out how infinitely preferable these comprehensive results are to partial and isolated cases got up for the purpose of suggesting rather than supporting an argument, which represent extremes, and tell us rather what does not exist than what does. Are the working classes to have the lion's share? What is the position of the working classes in regard to the constituency of the country? You have already got a borough constituency of 410,000; you are going to add 150,000, or at the most extravagant estimate 200,000. That is 660,000. You have got a county constituency of 530,000. We expect to add about 150,000, making in all 686,000. Adding the Universities, the total constituency of England is 1,345,000. That number will be very largely diminished, on account, of course, of plurality of votes. I cannot estimate the diminution, but I imagine it would diminish the total number by not less than one-sixth; and the general result would be that after popularizing your representation in a country with a population of 20,000,000, and with 5,000,000 adult males, you would have a constituency of about 1,100,000 or 1,200,000. Surely, a system which enfranchises one-fourth part of your adult males, and selects that one-fourth part, upon the whole, with great judgment and discretion, is not a very unreasonable system. And how will that leave the labouring classes? In the counties they came in only here and there as being in the casual possession of the 40*s.* freehold; but these cases are extremely rare, so that we may put them aside. But have the working classes the lion's share in the borough constituency? You will have a total borough and town constituency on what I think the most liberal, the most extravagant estimate in virtue of the present Bill, of 650,000. It is estimated that of 450,000 which now constitutes the entire borough constituency, about one-ninth belongs to the labouring classes, either as freemen or scot-and-lot voters, or here and there £10 occupiers. Perhaps they are about 50,000, and perhaps they would be about three-fourths of the 200,000 which, on an extravagant supposition, may be added to the constituency. The labouring classes might be 200,000 in a borough constituency of 650,000—that is, they would be less than one-third of the whole borough constituency, and that only in about one-half of the boroughs or about one-third part of the seats returning Members for England and Wales would amount to such numbers as to act with any sensible or appreciable force. Now, Sir, is that "the lion's share," and does that justify the appeals which have been made, and the lecture we have received to-night on American institutions? I will say a word or two in comment on the speech of my hon. Friend. I would remark that if we lived in a state of things in which there was a latent unavowed Americanism among the people of this country, if a wise observer had remarked that there was a contagion spreading from rank to rank, and that John Bull was growing more and more desirous to ape the manners and adopt the institutions of his Brother Jonathan, I think my hon. Friend would have done good service in detailing for an hour and a half the vices and follies and weaknesses which no doubt may be detected in the social condition of America. But do we live in that state of things? Have the people of England been infected by that disease? Are we likely to hear America held up to us as a pattern? [*Opposition cheers.*] I think I understand that cheer. It is not difficult to construe. The meaning of it may be that perhaps the solitary voice of some Gentleman who goes far in his opinions and maintains them with great courage may express strong sympathy with American institutions. But I do not speak of solitary individuals; I speak of the prevailing tone and temper of the British nation, and I say that to describe to us the state of things which exists in America as an argument bearing on the discussion of this Bill is a matter fetched from far, and wholly irrelevant. [*Cheers.*] I must tell those hon. Gentlemen who cheer, with great respect, that in my opinion by their cheers they do injustice to this country. Differing from Gentlemen, if there be those who would hold out America as a pattern, I frankly own that it will be a miserable day for England when she thinks fit to adopt America as her example, and that it is England who has much to teach to America and little to learn from her. Those are not only my opinions, but they are the opinions of at least ninety-nine men out of every

hundred throughout the country. Then, Sir, is it really necessary to alarm us with deprecating and detailing in an infinity of details, the consequence of what is termed universal suffrage in America. I have shown, forsooth, how near this Bill is to universal suffrage. It proposes to invest with the franchise one in every twenty, or one in every twenty-five, of the working population of the country. If it invests one and leaves nineteen unenfranchised, I humbly submit that it is removed by a considerable distance from universal suffrage. And permit me to say even that it is not a measure of the difference between this country and America. If we were to adopt universal suffrage to-morrow—aye, if we were to adopt American institutions entirely to-morrow—it would still take generations to make the people of England like the people of America. It is—and do not let us blind our eyes to the fact—it is not merely on laws that these matters depend. It is on the social condition of the country. It is on the manner in which society is organized in its orders and degrees. Why is it that the eminent men of America are not returned—and a great misfortune it is to the country—why is it that they do not take part in public affairs? It is due not merely to the political institutions of America—it is due to its social state. If the people have not their natural leaders it is because they do not feel those old traditional ties which subsist—and I hope will long subsist—in this country. It is not only unworthy and unjust in reference to the present Bill, but in reference to the people of England to travel across to America, and in no charitable spirit—I think I may rather say in a peevish spirit—to describe the many weaknesses, the many defects—perhaps I may say even the many scandals of American institutions. Critics coming to England might, perhaps, find something on which to remark. My hon. Friend did not profess to give an impartial and complete representation. He gave one avowedly *ex parte*. It may be a weakness, but I own I never hear without considerable regret, detailed and rather ostentatious descriptions before a British audience of the defects and shortcomings of other nations. I think it is a licence which we should do well, as far as we are able, to curb ourselves from indulging. Well, Sir, is it, or is it not, the case, that so far as vague assertions can be brought to any test of numbers or evidence, the whole doctrine that the working classes are going to have "the lion's share" of the representation has utterly broken down? ["No, no!"] If there be a Gentleman who thinks that a fourth part, or at the outside, much less than a third part of the borough representation, is the lion's share of the whole representation, to his assent I am not entitled: but I simply submit that I do not think that is the general opinion. I am quite certain it was not the meaning of the right hon. Member for Hertfordshire when he described the swamping of the constituencies, which he thought was going to take place under the Bill now before the House. Having spoken of America, I need not deprecate in the same way reference to institutions in our colonies. We are not going to adopt the laws of our colonies; and, if we did, my own belief is that, such is the attachment of the working classes not only to our laws, not only to our institutions, but to their social superiors, even among the trading community, and still more in the rural districts, that even with a very extended popular suffrage you would probably still continue to see the monarchy and aristocracy flourish as they do now under the free assent and affectionate support of the people. For what is it, after all, which in the main supports them now? Do not suppose that it is any conventional arrangement. Do not think that it is anything which may be written on the statute-book. It is the heart, the inclination, the habits, the sense, the conviction of the mass of the people. That very same feeling, that same tone, character, and sentiment which has made the working classes repose contentedly in your arms and accept your legislation without a murmur, that same feeling which has made them content without the suffrage, will, I am satisfied, make them still more content and still more trustworthy as the main support of the institutions of the country, after you have made such additions to the representative portion of them as is contemplated by this Bill. Of course, I speak without authority; but I believe those are the general views and general feelings with which we have been actuated in the endeavour to frame this Bill. And again, while I agree we ought to look for permanence in a measure of this kind, I venture to warn right hon. Gentlemen against the supposition that we are more likely to get permanence in a measure of this kind by making a stinted and inappreciable admission of the working classes while professing to give them a boon than

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by giving them a more liberal and sensible admission. I cannot help recollecting—and I refer to it now certainly for no other purpose except recognizing the wisdom of it—I cannot help recollecting the early declaration of the right hon. Member for Buckinghamshire on the subject of Parliamentary Reform, since the question was revived in 1851. I think when that subject was mentioned in this House, before it had taken its present advanced position, the right hon. Gentleman, declining to commit himself to the assertion that the time was come for a further reform of the representation, said he felt convinced that when the time did come they would have to deal with the question of the admission of the working classes. That was a wise and statesmanlike declaration, and acting in that spirit with truthfulness, and at the same time with moderation, Her Majesty's Government have been guided in all their endeavours. Under these circumstances, I confess—although it may be my bias—I supposed that we might have contrived to open the door for the settlement of these matters in Committee with less than six nights of previous debate. To those who think that the essential character of this Bill is to swamp the constituencies I am far from addressing any invitation to go into Committee at all. I am perfectly at a loss to understand how any Gentleman who is ready to endorse that declaration can reconcile it to himself to refrain from expressing his opinion in a legitimate manner. No doubt, there are very good reasons, but to me they are entirely inscrutable. I could not listen without a smile to the hon. Gentleman the Member for Radnorshire (Sir J. Walsh), well known not only in this House, but as an able writer on the politics of the country, who, in the same speech, told us he was the man who moved the rejection of the Reform Bill in 1831, and he gloried in that act as the brightest act of his life, and then said he gloried that on this Bill he should not have to vote at all. I confess that I do not think that is a course of conduct which will be quite understood out of doors. I think the idea of the nation is that this House is not a "Discussion Forum," but a deliberative assembly, and that the appropriate mode of expressing opinions is by votes. Of course there may be exceptions, but this is a singular exception, unsupported by experience. It has been said that the same course has been pursued on both sides of the House. Permit me to say that is not exactly the case. The noble Lord has been taunted with having only one supporter. I think if he were to count on his fingers he could make a considerable addition. At the same time I frankly allow that the Bill has been freely criticised on this side of the House. But I have heard it criticised on this side in a manner different from the manner in which it has been criticised in general on the opposite side; because the criticisms here have been frank indications of what are deemed the faults of the Bill—declarations like that of the hon. Member for the West Riding (Sir John Ramsden) to-night, accompanied with a strong opinion that the Bill ought to go forward to Committee, and be discussed and considered with the hope of a practical solution. But that is not the doctrine which comes recommended from the other side of the House. The right hon. Gentleman the Member for Buckinghamshire recommended that the noble Lord should withdraw the Bill. The right hon. Baronet the Member for Hertfordshire, whose good faith in giving us the advice no one can doubt, also recommended us to withdraw the Bill. The course which those right hon. Gentlemen ask us to take, however, is one which it is impossible for the Government to adopt. I may at all events venture to say for myself, that in my opinion any Ministry which should have introduced a measure such as this with so little caution, and in a shape so unfitted to undergo discussion as to render it expedient that it should be withdrawn without the decision of the House being taken upon it, would, in so acting, have covered itself with irretrievable disgrace. I may add that no such idea, or intention, or dream, as the adoption of such a course presupposes has ever entered our heads. If, however, the right hon. Baronet the Member for Hertfordshire, and the right hon. Gentleman the Member for Bucks are anxious that the Bill should be put out of the way, the remedy rests with themselves, for the House of Commons is not, I feel assured, so much the servant of the Government as not to take the matter into its own hands, and to reject the Bill if it deems it expedient to do so. I do not, however, think the House of Commons is prepared to pursue that course—a course which I should not presume to censure—and I ask you then with confidence whether it is creditable to act upon a policy the object of which is to make legislation impossible by delay? Such a policy is one which must operate badly for

all parties. The time has come when the settlement of this question may involve the character of the House of Commons. For a considerable period, indeed, it did not stand in that position. Its discussion commenced with a casual, and, as I think, unfortunate vote of this House, upon which was founded the declaration of my noble Friend near me, when at the head of the Government. For ten years it has continued to be the question rather of public men and the leaders of party than the question of this House. Last year, however, a change in its position took place; for then the Government of Lord Derby seriously submitted to the consideration of Parliament a Bill for the purpose of amending the representation of the people; and, if I were disposed to revert to the taunts which have been thrown out in the course of the present discussion with respect to the criticisms which have been made on this Bill by supporters of the Government, I think I might easily find abundant means of retorting the sarcastic remarks of hon. Gentlemen opposite on the subject by a reference to the course pursued by the occupants of the opposite benches, with respect to the measure introduced by the late Government. I cannot help adding that my hon. Friend the Member for Radnorshire (Sir J. Walsh) when the other night he observed that my noble Friend near me ought to consider himself happy in having at length got a supporter for his measure, ought to have recollected that the late Government was not so fortunate, inasmuch as during the whole debate which took place upon the Bill which they submitted to the House, they did not receive the support of a single independent Member. All this, however, is a thing of the past. What I now desire to impress upon hon. Gentlemen is that last year this question of Reform passed out of the sphere of Government, and became the question of the House of Commons. The House of Commons upon that occasion met it not by having recourse to a debate of indefinite length, not having apparently been then animated by that great love of protracted discussion for which the right hon. Gentlemen the Member for Bucks now so strenuously contends; no, Sir, the proposition of the late Government was met by a distinct and definite Motion, which bound hon. Members to a particular course, which may have been wise or unwise, but which, at all events, led to an issue which was intelligible and direct. I will not now enter into any further discussion of that point beyond simply saying that the majority of the House of Commons on the occasion to which I am referring, adopted a course which was in accordance with Parliamentary precedent, and having declared themselves to be in favour of a particular line of policy, upon that declaration resolved to submit, and actually did submit, their conduct to the judgment of their constituents. Now that, it appears, was a line of conduct which, so far as the public interests are concerned, was much preferable to that upon which some hon. Gentlemen in the present instance seem disposed to act. My hon. Friend the Member for the West Riding (Sir J. Ramsden) has well said that it would be better to postpone the settlement of this question to a more distant day than to pass a bad measure. If that be a sound opinion, then by all means let those who think the present Bill a bad one give effect to that opinion by their votes. If those who entertain that view are in the majority, they will thus be able at once to dispose of a measure to which they object; while if they happen to be in a minority their consciences will be relieved by taking the course which I have suggested for their adoption. It, however, scarcely becomes me to point out to hon. Gentlemen what it is right that they should do in this respect. They ought to be able to discover for themselves the line of conduct which they ought to pursue. I, for one, should be sorry that our choice lay between a bad measure and no measure at all. There is one portion of the House which is of opinion that further reform in the representation of the people would be likely to prove dangerous; while there is another which thinks that an onward step in that direction may be taken with safety. The former class must, at all events, it seems to me, admit that the danger of which they are apprehensive will, in all probability, be increased by delay. I, for one, while deeming that a measure of Reform may at the present moment be safely passed, freely admit and deeply feel that from delay danger may arise. Beyond all calculation may delay prove unsafe, if, unfortunately, the notion should get abroad that we sought to preclude the passing of a measure of Reform by indirect means, and that those who found it inconvenient to place their opinions on the subject on record in the shape of a definite proposition, yet, being aware that the time at the disposal of the House

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was limited, took advantage of that circumstance for the purpose of evading that which they did not like manfully to reject. I hope, therefore, that whatever course may be taken such a policy as this will not be adopted. By all means, then, let us go into Committee on the Bill, and endeavour to make such progress in passing it as is proportionate to the value of the time at our disposal, which I fear we have not hitherto done. I make this appeal to you trusting that the House will bear in mind that of all the difficulties and risks which we may have to encounter in dealing with this great and vital question there is none so great as that which would arise from our appearing to dally with it; thereby rendering ourselves liable to have an interpretation put upon our conduct which may prove dangerous to the permanent institutions of the country, destroy our own capacity for effecting good, and impair that confidence and attachment which during many generations the House of Commons has by its labours and services earned at the hands of the English people.

MR. COLLINS said, he must protest against the language used by the Chancellor of the Exchequer charging those on the Opposition side of the House with obstructing the progress of business. The right hon. Gentleman surely could not have been in his place when his Friend the hon. Member for Taunton (Mr. Mills) remarked that a much larger number of Gentlemen had risen from the Ministerial side than the other, to speak upon this question. He could not help adding, in reply to the remarks of the right hon. Gentleman, that in discussing a proposal which sought to extend the suffrage without any counterpoise to the working classes he thought it was quite germane to the question to consider what effect the extension of the suffrage had produced in the case of a kindred race. He denied the accuracy of the right hon. Gentleman's statistics. He would not quote from anonymous correspondents. It would be found in the Report that had been laid on the table, that there were 185 English boroughs, and out of those there were 91 in which there were more voters than £10 houses. From that list he deducted 33 boroughs in which the increase was caused by freemen, and others in which the increase was occasioned by the scot-and-lot voters. There remained 52 boroughs where the proportion of electors was greater than the number of £10 houses. He should quote a few of them. Oldham had 2,050 voters and only 1,900 houses; Ashton, 1,081 electors and 838 houses; Boston, 838 electors and 697 houses; Lancaster, deducting the freemen, had 887 electors and 700 houses. It would be seen from these figures, that in a considerable number of boroughs there was a larger proportion of electors than of £10 houses. He thought, therefore, that when the matter came to be tested by the evidence which was being obtained by the House of Lords there would be a much larger extension of the franchise than was supposed. He himself was quite prepared to go a long way in extending the suffrage, and he believed that the gross injustice of this Bill was much more in the way in which it treated the county representation than the manner in which it widened the borough franchise. He would mention an instance of the mode in which the county representation was dealt with. The West Riding of Yorkshire returned 16 Members to this House —two for the county and 14 for the boroughs. Throwing aside the small boroughs of Ripon and Knaresborough, which returned two Conservatives, and two Liberals; Leeds, which was equally divided; and Wakefield, the seat for which was vacant; and there were nine Liberal Members returned by Halifax, Bradford, Huddersfield, Sheffield, and Pontefract, the whole of whose constituencies, even if each member of those constituent bodies was on the same side of politics, the reverse of which was notoriously the fact, amounted to but 14,000, whilst the Conservative minority in the West Riding, consisting of 13,000 electors, had no representative at all. He held, therefore, that the Bill did not amend the representation, but rather aggravated considerably the inequality already existing, which it should have been the first duty of Ministers to endeavour to correct. There was another way in which it was proposed to deal with the county representation most unfairly. It was this; this Bill, for the first time, makes occupation a main ingredient in the county suffrage. You enfranchise 400,000 occupiers, but half of them vote already in right of ownership, and therefore, under your scheme, would be doubly qualified. An occupier in a borough having also a 40*s.* franchise would have four votes—two for the county and two for the borough; whereas those who were similarly qualified beyond the limits of a borough, would only have the right of voting for two Members for the county. But the Bill was objectionable not less

from what it did not do, as for what it did. They were told that it was simply a measure of enfranchisement, and not of registration. Well, if that were the case, he should like to know how the 30th clause found its way into it. He alluded to the clause which provided that Members should not vacate their seats upon accepting office under the Crown. Was that a question affecting the extension of the franchise? He was really surprised how a Liberal Government could have proposed a clause of the kind. It was said that all the improvements which had taken place in legislation since 1832 were the result of the Reform Act. But if he went back only four years from that date, he found an unreformed Parliament passing two of the greatest and wisest measures of modern times, the repeal of the Test and Corporation Acts and the Emancipation of the Roman Catholics. If the noble Lord had brought in the Roman Catholic Emancipation Act, in 1851, when he was writing his letter to the Bishop of Durham and rousing the anti-Catholic feeling of the country, he doubted whether that measure could have been carried. They had no right, therefore, to say of the unreformed House of Commons that no great measures were passed by it. He was quite aware that the great blot in the Reform Act was the exclusion of the working classes from any share in the representation; but the question was, how were they to be admitted, and at the same time provide the necessary safeguards for the representation of property in this House; for if the working classes were introduced he should like to see some plan devised by which there should be some counterpoise to them. All classes of the population ought to be represented in this House. He believed the Chandos clause was a mistake and ought to be repealed. He begged with diffidence to suggest that there ought to be three classes of Members. Town Members returned by householders in right of occupation; District Members, returned by householders, outside represented towns, in right of occupation; and County Members returned by the owners of property whether in town or district. By these means the dwellers in towns, the dwellers in the country, and the owners of property, would be represented, and both the suffrages of ownership and occupation would be made co-extensive with the whole length and breadth of the land. Much had been said about the corruption existing in small boroughs; he believed these allegations were in the main unfounded — at least, according to his own experience, for two contested elections which he had fought since the passing of the Corrupt Practices Prevention Act had only necessitated an outlay on his part of £150. Though the present Bill had failed, still with a lower class of voters he doubted whether this state of purity could exist, and whether it would be possible to maintain this class of constituencies with a £6 suffrage to command the approval of a single Member who did not sit on the Treasury bench. He hoped it might get into Committee, and there, with the aid of Liberal statesmen, who were skilled in reframing the Constitution, be improved so as to afford a reasonable hope that the question would not again be agitated for fifteen years to come. If this were not done some means must be devised of getting rid of a Bill which in its present shape was unworthy of the sanction of the House. [The hon. Member's speech was delivered amid such marked expressions of impatience, and cries of "Divide," as to be scarcely intelligible.]

Question put, and *agreed to*. Bill read 2°.

Lord JOHN RUSSELL: A good deal of difficulty has been felt with regard to business of an important character which has been postponed in consequence of the protracted Debate on this Bill, and on that account it might be inconvenient to the House if we were to propose to go into Committee upon it immediately. Besides, we should have that Committee interrupted almost immediately by the Whitsuntide holydays. For these reasons I propose that the Bill be committed on Monday, the 4th of June.

Bill *committed* for *Monday* 4th June.

THE IRISH REFORM BILL.—QUESTION.

Mr. O'BRIEN formally moved the adjournment of the House for the purpose of asking when it was likely that the Irish Reform Bill would be taken up.

Mr. CARDWELL: We shall go into Committee on the English Bill before taking the second reading of the Reform Bill for Ireland.

In reply to Mr. V. Scully,

Mr. CARDWELL further stated that it was the intention of the Government to go through the Committee on the English Reform Bill before the second reading of the Irish measure would be taken.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, May 4, 1860.

MINUTES.] *Sat First in Parliament.*—The Earl of Westmoreland.

Took the Oath.—The Lord Carrington.

PUBLIC BILLS.—1ª Ecclesiastical Courts Jurisdiction.

2ª Pawnbrokers Act Amendment.

BERWICK-UPON-TWEED ELECTION.

CONFERENCE.

Conference had, at the Desire of the Commons, upon the Subject Matter of an Address to be presented to Her Majesty, under the Provisions of the Act 15th and 16th Vict. cap. 57; and Report made, That the Commons had agreed to the following Address, to be presented to Her Majesty, to which they desire the Concurrence of their Lordships:

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the

Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg Leave humbly to represent to Your Majesty, that a Select Committee of the House of Commons, appointed to try a Petition complaining of an undue Election and Return for the Town of Berwick-upon-Tweed, have reported to the House, that there is Reason to believe that Bribery extensively prevailed at the last Election for the Town of Berwick-upon-Tweed.

We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause Inquiry to be made, pursuant to the Provisions of the Act of Parliament passed in the Sixteenth Year of the Reign of Your Majesty, intituled "An Act to provide for more effectual Inquiry into the Existence of corrupt Practices at Elections for Members to serve in Parliament," by the Appointment of James Vaughan, Esquire, Thomas Irwin Barstow, Esquire, and Franklin Lushington, Esquire, as Commissioners, for the Purpose of making Inquiry into the Existence of such Bribery.

ORGANIZATION OF THE INFANTRY.

THE EARL OF LUCAN: My Lords, the defences of the country have become a matter of such general interest, and to many of so much anxiety and concern, that I need hardly apologize to your Lordships for trespassing on you for a short time, whilst I bring before you a question relating to that important part of those defences, the infantry of the army. Until recently such had been the security felt from the superiority and preponderance of the navy, that it may be said that scarcely any army at all has been considered necessary for the defence of this country. Indeed, different Governments have year after year found themselves obliged to defend and justify themselves when bringing forward Army Estimates, and been made to calculate the amount of force chiefly upon what was necessary for colonial garrisons, and the relief of those garrisons. The question of organization was scarcely ever considered, and it may be said that so many regiments were maintained only as a nucleus on which an army could be formed on the breaking out of a war. The circumstances of the country are now totally altered, and I think it will be admitted that, however formidable may become our navy, and I was glad to hear the other evening from the noble Duke the first Lord of the Admiralty that it had greatly increased, and however successful we may be in manning it efficiently, still that no safety can be felt for this country in future, unless it is also defended by a large and efficient army. The army can no longer be called a colonial army for colonial purposes, but an army whose first duty will be the defence of its own shores. If this be all true, the time has, my Lords, I think arrived when it would be well to consider what organization of the army will give the greatest security to the country in time of peace, and will best meet the exigencies of war at the least charge to the public. On the present occasion I shall confine my observations to the composition of the infantry. Since the peace of 1815 the organization of the infantry has undergone many changes. When I first joined the army it was composed of separate and independent battalions, and at that time regiments on colonial service had no depôts at home. An officer, or perhaps two only, being left to superintend recruiting, and to the forwarding of the recruits to their regiments. I can recollect no objections being offered to this system. No doubt I was very young at the time and inexperienced, but I have asked officers who were senior to me and more competent to form an opinion, and they concur in saying that no inconveniences were felt. In 1824 it was found that reductions had been carried so much too far that it was impossible to carry out the military services of the empire, and a very considerable increase of the army was determined upon. The Duke of Wellington, though not Commander-in-Chief at the time, naturally had much influence on all military questions, and he felt so keenly all the inconveniences and difficulties he had experienced during the

Peninsular war, resulting from regiments taking the field without proper reserve battalions at home to recruit them, that he determined upon introducing a totally new system; he well recollected regiments becoming constantly reduced to mere skeletons consisting of officers and a few men, and the necessity of sending them home, not only to be recruited, but to be reformed, and to be replaced by regiments altogether inexperienced in the field.

My Lords, this was a very great evil; no general engaged in war will willingly spare the services of an experienced veteran; so strongly did I myself feel on this subject in the Crimea, that I wrote to Lord Hardinge and urged him in the strongest manner not to send out new regiments of cavalry so long as he was able to reinforce those already there. For the reasons I have already stated the Duke of Wellington in 1824 succeeded in establishing "that no regiment for the future was to leave the country on any foreign service whatever without having a depôt at home," and as it would be hopeless to expect that the House of Commons would agree to so large an increase of the army as would be necessary to give all regiments second battalions, it was decided that they should be increased from eight to ten companies, and that upon embarcation they should always be divided into service and depôt companies, and in 1826, at the time of the expedition to Portugal, the regiments did all embark six companies of one hundred men each, leaving four companies at home to form small depôt battalions.

My Lords, the advantages of such a system in time of war cannot be questioned. It is one founded on sound military principles, and must be approved of by all professional men competent to form an opinion. I do not pretend to say that these four company depôts were always as good and as efficient as could be desired, the numbers voted were insufficient for the purpose; but there were many of them well disciplined and efficient; others, from various circumstances, less so. This system, introduced by the Duke of Wellington, continued with little alteration during a period of thirty years. In 1854, when the Russian war broke out, the Government of that day had made no preparations whatever to meet its requirements. The late Lord Hardinge was thus placed under most extraordinary pressing difficulties, he found it absolutely necessary at once to increase the service battalions from six to eight companies, and to raise the companies considerably in strength. This, as it may be supposed, so thoroughly exhausted the small depôt battalions, and in many instances so completely denuded them of officers, that he was driven to consider what was best to do under the circumstances; and, in my humble opinion, his decision was wise; he could do no better at the moment; he consolidated the skeleton and exhausted depôts into provisional battalions, and placed them under Staffs appointed for the purpose. Whether this worked ill or well during the war is not the question. He did the best and the only thing that was practicable under the circumstances. I cannot believe, nor do I believe, that had he continued Commander-in-Chief the consolidated depôts, and more particularly for those regiments on home service, would have been allowed to continue. The Indian mutiny of 1857 may be said to have brought about an entire change in the military position of the country. The greater part, if not the whole, of the disposable land forces of the country had to be sent to India as speedily as possible, and the greatest exertions had to be made to raise men at home. The Government then created many second battalions, and have continued doing so from time to time, until they amounted to twenty-six. The 2nd Battalion of the 25th Regiment was raised as lately as Christmas last, and it has been reported that it was the Minister of War's intention to raise ten more. Whether he still proposes to continue in what I must call this extravagant and mischievous course, appears uncertain, as he has lately in Parliament taken credit to himself for not doing so and of having in lieu increased the strength of companies.

My Lords, in my opinion, and I may say in the opinion of the army in general, no greater mistake was ever committed than the raising of these second independent battalions. I call them independent, because they are not intended to feed or be reserves for the first battalions, or to have any connection with them. All military men well know how necessary it is for the efficiency of an army abroad or in the field, that regiments should have reserve battalions at home, and the opportunity had arrived for creating them by returning to and extending the Duke of Wellington's system, but in lieu of doing so, the consolidated depôts have been continued and added to, as now even the regiments at home are made to contribute to them.

The Earl of Lucan

Another very objectionable arrangement has been made by which the battalions abroad have been increased from eight to ten companies; for if twelve companies are to be retained with the present low establishment, it would be as much for the advantage of the regiments as it would be for the good of the country that four companies should be always at home ready as a nucleus upon which to form second battalions. This has undoubtedly much aggravated the objections of a system already sufficiently objectionable, and it is only fair to state that it has been done since Lord Hardinge relinquished the command of the army.

Now, my Lords, it is to the whole system that I, with the concurrence of the profession, find fault. In the first instance it obliges all officers and soldiers to go to the depôts and remain there a considerable time before they are allowed to join their regiments, and severing as it does all connection, and, indeed, communication, between the head-quarters of the regiment and its depôt, it strikes at the very root of the regimental system—a system universally approved of; for I can say with truth that no one part of the organization of the British army is more generally approved of, and does more to maintain the character and efficiency of the British army, than the regimental system.

I have said, my Lords, that no communication is allowed between the regiment and the depôt, nor the smallest interference allowed on the part of the commanding officer with his own depôt; this is carried to such an extent that I have heard that in the case of the 10th regiment, with its depôt quartered in the same garrison at Devonport, the commanding officer is made to communicate with it through the Horse Guards in London. I object very strongly to young officers being made to commence their career at these ill-organized depôts, in lieu of being placed at once under their own commanding officers and their own captains, when not unfrequently it happens that their appointment to particular regiments was made at the instance of their friends, who were, from the character of certain commanding officers, or their intimacy with them, anxious to intrust to them their sons.

My Lords, instead of the young officer, at the most critical period of his life, and when exposed to its greatest dangers, being committed to the almost parental care of his own superiors, he is committed to the care of a depôt staff that can feel no interest in one who is only making a very temporary sojourn with them, and he finds himself associated with a quantity of other boys equally inexperienced, and equally exposed to every mischievous temptation. Under the circumstances it is not to be wondered at that they frequently incur debts and get into difficulties most damaging to their professional career.

My Lords, I shall probably be told that these depôts are well and efficiently commanded; I am not saying anything to the contrary, but I do say that it is as unreasonable to suppose, as it would be untrue to say, that the same interest can be felt in young officers by those who are only to know them during a few months, as by the commanding officer, and the other officers with whom they are about to pass much of their lives, and in whose good or ill-fortune they are to share. And, again, with respect to these officers commanding depôts, if I am not much misinformed, the greater part, if not the whole of them, are men with wives and families, and who consequently seldom appear at the mess where their presence and superintendence would be most desirable.

My Lords, are these my opinions alone? I hold in my hand a pamphlet written, as I have only this day learnt, by an officer of very great distinction, and who, if I could but name him, would be considered by your Lordships as most entitled to your respect. I will only say, that upon any military subject whatever, he may be fairly called the highest military authority in this country: observing upon these depôts, what does he say? "They are liable to an oppressive accumulation of the youngest of young officers beyond the influential control of their own commanding officers which must be unfavourable to strict discipline." My next objection to these consolidated depôts is their costly and wasteful character. The correspondence carried on, as I have already explained it to be, between the regiments and their depôts, always through the Horse Guards, must necessarily occasion great unnecessary trouble and expense. The removal of recruits from the recruiting party, perhaps in London to a depôt, possibly at Cork or Belfast, subsequently to be sent to their head quarters at Aldershot, or some other distant quarters, cannot do otherwise than occasion considerable expense. I observe in the Estimates a sum of £200,000 for the removal of troops within the United King-

dom. I should feel curious to learn how large a portion of this money is intended for the extravagant marches and countermarches of the recruits before they reach their regiments. Next, what do these depôt staffs cost the country? Why, my Lords, they consist of no less than between fifty-five and sixty field officers, twenty-four captains acting as adjutants, and with the pay of field officers, twenty-four quartermasters, a still larger number of musketry instructors, and an almost innumerable number of surgeons and assistant surgeons, generally three to a battalion.

My Lords, will a system entailing such expenses and such an establishment not be considered costly? I hold it to be as costly—aye, and as wasteful, as I shall soon endeavour to show it to be unnecessary and mischievous. To my mind, it is no small objection to the system, the enormous amount of patronage it creates; to the Commander-in-Chief it must occasion importunities incessant and most annoying: no one could be more interested to be rid of what must bring upon him such never-ceasing applications. I must here observe that I am informed that purchase has been introduced into these consolidated depôt staffs. If such is the case, I must express my most decided objection to it.

My Lords, I have very recently stated in this House some of the great advantages which, in my opinion, accrue to the army from purchase; and also some of the difficulties and objections which would attend promotion by selection alone. But it never for one moment occurred to me that purchase was to be extended to consolidated depôts. These are properly staff appointments, and the different officers requiring, as they do, peculiar qualifications should be all selected, and should in no instance owe their appointments or their promotion either to purchase or seniority. I hold promotion by purchase in consolidated depôts to be prejudicial to that service, and to be unfair to the army in general; for it gives facilities of promotion to officers already enjoying the advantages and comforts of home service over those undergoing the hardships of the field. It is obvious that one captain, with three field-officers above him, can insure to himself promotion more certain and more rapid than when he is placed in a regiment at the bottom of eleven captains. I entirely disapprove of this ill-advised and unfair extension of the purchase system, and I fear it may have the effect of supplying those unfriendly to it with arguments better founded than those hitherto advanced.

Now, my Lords, I have already stated many objections which, in common with the profession generally, I entertain to the consolidated depôt system; but by much the most serious objection to my mind is the enormous and criminal waste of force it occasions in an army already far too small for the exigencies and the safety of the country. What was the condition of the infantry within the United Kingdom on the 1st of February last? I take that date because my information was acquired at that time, and I believe that no material alteration has taken place since.

Well, on the 1st February these depôts absorbed no less than 28,000 men, of which 17,000 were of detachments of regiments serving in India, and 11,000 of depôts from home and colonial regiments; and it may be stated that when the system shall have been fully developed, that is, when ten of the newly-raised second battalions shall go abroad and form their depôts, the whole consolidated depôts will not amount to less than 30,000 men. These depôts, composed of very young recruits, with the addition, perhaps, of a few invalids left at home to eke out the remainder of their service, include very much the larger portion of the infantry stationed at home; for whilst the depôts consisted of 28,000 men, there were of infantry of the line stationed within the United Kingdom, only 21 whole battalions of 800 men, a force of something like 17,000, and 10 newly-formed second battalions of, perhaps, 9,000 men, a force of infantry altogether exclusive of depôts and exclusive of 5,000 Guards, not exceeding 26,000.

Now, my Lords, will any one say that 26,000 infantry, or rather 31,000, including the Guards, are a sufficient force for the defence of the country, divided, as they must be, between Great Britain and Ireland; and is it all the force the country has a right to be satisfied with, with an expenditure of £15,000,000 on the army? I do not pretend that some use might not be made of the depôts; but it is very certain that no military man would assert for a moment that they could be relied upon to be brought into line against the selected veterans which would be sure to compose an invading army.

I have not seen a consolidated depôt battalion. Through the courtesy of my friend, the Inspector General of Infantry,

it was lately kindly proposed to me to attend his inspection; but I declined, not wishing in this House to discuss the merits of particular corps, but to confine my remarks to the system generally. It has been said that they would do to garrison a naval arsenal; I do not doubt that this would be their mission, but it is precisely in that description of force, a force to line ramparts and intrenchments, that the country is least likely to be deficient; for the militia and volunteers would serve these purposes very nearly, if not quite as well, and the regular army, by a proper organization, should be all fit to act in the field.

As I have shown, there were on the 1st February, 54,000 infantry within the United Kingdom. I contend, and shall endeavour later to show, that the whole should be made available and effective for recruits in moderate numbers as they would be, in their own regiments under their own officers, would become soldiers in one-fourth of the time that they would in consolidated depôts under strange officers and amassed with boys as inexperienced as themselves.

My Lords, I can again appeal to that high authority I have already quoted in support of this opinion. He says:—

"But the battalions destined to bear the brunt and to be first and foremost in the fight, and to give example and confidence when arrayed and united to militia, yeomanry, and organized rifle volunteers; the troops by which the whole defensive machinery is to be brought into use and worked are so deplorably below the mark in respect to numbers, that it is inconceivable in this age of reform that the distribution and formative regimental organization of the infantry of the line should not yet have been constituted on solid principles applicable to every description of service and embracing the ultimate purposes of depots unembarrassed by provisional battalions and the waste of force resulting from their restricted duties."

Again, my authority observes, referring to these provisional battalions or consolidated depôts:—

"These, however, from their construction and abrupt fluctuations in numbers and restrictive local duties can scarcely be called moveable for field service; they are in every respect inferior to service companies of regiments, and have not the advantages derived from *esprit de corps*.

My Lords, such are the opinions of the highest military authority living in this country, and I will undertake to say are the opinions of every soldier of knowledge and experience, and I think I do not go too far when I affirm that they condemn the present system of consolidated depôts as one most objectionable and seriously impairing the infantry force of the country. I should not leave this part of the question without remarking that of the force which the War Department so constantly boasts of having for the defence of the country are included 17,000 men composing depôts maintained at the expense of India, when it is so often asserted that no part of the revenues of that country are applied for English purposes, it is difficult to understand why the support of these 17,000 men is not resisted by those who are responsible for the finances of India.

My Lords, having condemned the present system of consolidated depôts, and done so, as I have shown, with the concurrence of high authority, I will now submit the system which in my opinion would best meet the military exigencies of the country at home and abroad, in peace or in war. I am the more confident in proposing such a system from the fact that it is only an extension of that introduced by the Duke of Wellington in 1824, and which I have not a doubt he would himself have continued and extended if the opportunities which have occurred since his death had offered previously. I propose that the 101 regiments of infantry of the Line should each have a second battalion, and that no regiment should at present have more than two battalions. The first battalion to consist of 8 companies of 100 men each, at home or in the Colonies, and of 125 men each when in India, or in the field, as was the case in the Crimea. I propose that the second battalions should consist of at least 6 companies or 600 men, and that each battalion should be officered by a lieutenant-colonel and a major, but that a second major should be added to all battalions in the field or in India. I am prepared to maintain that an establishment of five field officers would keep the field battalions far more efficient than does the present system.

This would give a force of 149,400 non-commissioned officers and men, supposing a force of 40,000 infantry in India, whilst in the Army Estimates the infantry of the Line amount to 157,000 men, or near 8,000 men more, it cannot therefore be said that second battalions would create an unnecessary number of men; but one of the great advantages to accrue from this organization would be its capability of contraction and expansion; by giving 8

companies to each battalion, a thing much to be desired, as for all military and strategical purposes nothing is better than 8 company battalions, you would have an army of 161,000 infantry of the Line with the power of increasing it to 202,000 by the addition of the 25 men per company I have already explained. This plan has to recommend it not alone the efficiency it would secure under every circumstance, but a great saving of expense. Without troubling your Lordships with minute details, I will only state that 2 battalions of 8 and 6 companies each would require 51 field officers and 429 companies' officers and adjutants, less than the present vicious organization of separate independent battalions recruited by the means of costly consolidated depôts. This system is one that would meet with such general and perhaps universal approbation in the service that it is really difficult to imagine what well-founded objections can be offered. If it is said that such a change would necessitate a reconstruction of the army. My Lords, why not reconstruct the army, if, as I maintain, the altered military position of the country, both at present and for the future, calls for entire new military services, and when changes such as I propose could be effected without the smallest injustice, and with little or no inconvenience to anybody concerned.

My Lords, I would not hesitate to undertake to carry out the whole change in the course of a very few weeks. It may be urged that the services of India and the Colonies take so large a portion of your force that one hundred and one first battalions, if not insufficient, would scarcely leave a first battalion at home: this would be to suppose that the second battalion would not be available for colonial service.

Why, if what I propose were carried out, the second battalions of all regiments at home and in the Colonies would be as efficient as the first battalions, for it is essential for the efficiency of the army that, only in the case of Indian regiments or regiments in the field, should the second battalions be made to feed the first; of course circumstances might arise which might make it necessary to depart from such a rule, but if it was adhered to generally, then both battalions could form part of the same garrison and receive and drill its own recruits; and where could recruits be more promptly made into efficient and trained soldiers than in the Mediterranean fortresses and in other colonies? and if these recruits were sent out quarterly, as they should be, their numbers would be so small as in no way to inconvenience or encumber the battalions.

I hope, therefore, it will not be attempted to be said that what I propose would leave this country with only exhausted second battalions. I will admit that to a certain extent the Indian second battalions, from feeding the first in the field, would be less efficient than the others; but there ought really to be more first battalions left for home service in the future than at present, and there would in addition be perfectly efficient and excellent second battalions substituted for the 30,000 inefficient boys amassed in your present provisional battalions.

My Lords, I have now explained to your Lordships the grave objections I entertain and which are entertained by the army in general to the present organization of the infantry. The time has certainly arrived when this important question should be well-considered, and when that system should be established which would best suit the present circumstances of the country, and best meet the exigencies of the future; there should be an end of such constant changes, and of that tinkering and cobbling which has gone on for years, and to which must be attributed that fearful amount of half-pay amounting to above £300,000 which is still saddled upon the country, but which with the enormous increase of the army, and after forty-five years of peace, should have long since been got rid of. It has been said that a large half-pay list belongs to the army of England alone, and that it is a necessary consequence of the purchase system; so much the reverse is the fact, that through this purchase system the whole half-pay list of the army might and should have been expunged for years past.

My Lords, a great change is called for, and necessary if the infantry is to be made as efficient as a proper organization would render it, and as the defences of the country imperatively call for. I have endeavoured to show that the present consolidated depôt system wastes force and is not conducive to discipline; if such is really the case, and I confidently affirm that it is, what subject could be more fitting for inquiry by a Commission? and I hope that the Government will so consider it.

The noble Duke, the first Lord of the Admiralty, observed the other evening, that the navy could be no party question, for that

The Earl of Lucan

all could only desire its efficiency. So, my Lords, do I feel assured that your Lordships will in no way regard the organization and efficiency of the army as fit for party politics. All who desire the security, position, and honour of their country, cannot but feel the deepest interest in the strength and efficiency of the army. In the observations it has been my duty to offer, I have felt much confidence in the fact that, the consolidated depôt system which I seek to have abolished, is objected to and disapproved of by that high authority from whom I have made several quotations, and the whole profession; and in recommending, as I do most earnestly, the substitution of second battalions, I speak with no less confidence from the knowledge that it was the system recommended and desired by the Duke of Wellington, and which I am satisfied he would have carried out to its fullest extent had he lived to the present time, when present circumstances would have enabled him to do so.

It perhaps may be said by some that your Lordships' House is not the most proper place for such a discussion; but having given much attention to the organization of armies, and believing that my opinions, formed from experience after a long life spent in the service, are sound, and that they are supported by great military authorities and by the army in general, I have felt that I should be wanting in the discharge of my duty as a Peer of Parliament, and should have felt ashamed of myself if I had hesitated in exercising my privilege to bring this very important matter forward for your Lordships' consideration, and through this House for that of the public.

EARL DE GREY AND RIPON said, the notice that the noble Earl had placed upon the table was so vague and indefinite in its terms that he had been at a loss to discover to what part of the large subject of the organization of the British infantry he proposed to direct attention. Having now heard the observations of the noble Earl, he must confess that it appeared to him that the subject was so strictly professional and technical in its character that it could not be discussed with much advantage in their Lordships' House. He was not in the least inclined to limit the right of any Member of that House to introduce the subject for discussion, but he could not help thinking that the noble Earl, being himself a General Officer in the service, if he had thought it right to submit his views to the consideration of either the illustrious Duke on the cross benches (the Duke of Cambridge) or to the Secretary of State for War, would have found from them, and from the departments administering military affairs, a perfect readiness to take the subject into consideration; if he afterwards thought that his views had been lightly treated, or improperly dealt with, and that the public interests required an appeal from the decision of the authorities to their Lordships' House, no one could have objected to the course taken by the noble Earl. But under the circumstances in which the proposition was brought before them, he felt it would conduce to the interests of the service if individually he declined to continue a purely professional and technical discussion; and he could only assure the noble Earl that Her Majesty's Government were ever ready to consider questions connected with the organization of the army brought before them by General Officers. The present was a subject to which their attention had been, and would continue to be, directed; but it did seem to him that a discussion on the question at the present moment was not likely to lead to results conducive to the public service. The question was one involving considerations relative to the principles of the army and of a financial character that he thought could hardly be entered on with advantage by their Lordships' House.

THE DUKE OF CAMBRIDGE said, he entirely agreed with what had fallen from his noble Friend who had just sat down, and he ventured to think without any disrespect to his noble and gallant Friend (the Earl of Lucan), it would have been more regular if his noble Friend had, in the first instance, submitted his plan for the consideration of this important subject to the military and civil authorities of the War Department for due consideration, instead of first bringing it under the notice of that House. He was quite ready to admit with him, that as a Member of their Lordships' House, he or any other noble Lord was justified in bringing forward in that House any subject on which they thought it right that their views should be made public for the advantage of the country; but he did think that a great question like this, on which so much depended, of the whole organization of the army, and in which so much of finance was necessarily involved, should receive a very different consideration from that which could possibly be given to it in a deliberative assembly

like their Lordships'. As, however, there were some technical points to which the noble Earl had adverted, and as certainly the matter fell more immediately within his own province, he was loth to let this discussion end without entering into some explanation, in order to correct the errors that had been fallen into by the noble Earl, and which he was indisposed to permit to go forth to the public. The noble Earl had pointedly remarked on the organization of the army as at present existing, and as it had been carried out more or less during the time that he (the Duke of Cambridge) had been at the head of the army. He begged the noble Earl to understand that the depôt system, to which he so much objected, as it now existed was in existence when he became Commander-in-Chief, and he did not deny that during his period of office that it had been consolidated and extended to the new battalions that had been raised. The noble Earl dwelt very much on the opinions entertained by the Duke of Wellington; and certainly it would be very improper on his part, or on the part of any other military man, to attempt to stand up in opposition to the views of so high an authority. But he had yet to learn that the opinion given was the Duke of Wellington's opinion. He was aware that they had had the four company depôt system established by the Duke, but he had never heard that the Duke had intended to extend that system, and he did not believe that they could arrive at that conclusion, when they recollected that the system had been established as long ago as 1824, and that it had been continued up to the period stated. Therefore he did not exactly understand that they were justified in concluding that the Duke intended to extend the system further. All he could say was that he had had some personal experience in the system. The noble Earl said that he also had; and he (the Duke of Cambridge) did not question that he had; but he was not aware that he had had any personal experience in the military command of the system. But he (the Duke of Cambridge) had, and for five years had commanded a large district in Ireland where there were more four company depôts than anywhere in the kingdom. And what was the result? A more lamentable and deplorable system he never saw. He never heard any officer who had had experience of it speak in its praise, even though he might have approved of a double battalion system. Let them see what that system was. He did not wish to detain their Lordships; but when the noble Earl had gone so much into detail he thought some military man of some authority should officially reply to his statements. What did he find in that system? The system in 1853—which was the last year in which the four company depôt system was in force, (and it had not been altered in his time, for it was changed by the late Commander-in-Chief, Lord Hardinge, after the Crimean war broke out) was this:—a regiment was composed of ten companies, divided into two parts; six companies formed service companies and went abroad, and four formed depôt companies and stayed at home. The service companies were composed of 25 officers and 540 men, and the depôt companies consisted of 14 officers and 310 men. If all these 310 men of the depôt companies had been efficient, no doubt they would have formed a very respectable reserve; but that never was the case, they were most inefficient. All the refuse of the corps that could not go abroad was left at home, and all recruits were left as well; and he had made inspection after inspection of depôt companies, and did not see more than 150 men on parade at one time. Thus they had a regiment consisting, as far as the service companies went, of 25 efficient officers and 540 men, and the depôt companies consisting of 14 officers and 310 men. What was the case now? The regiments were composed of 950 rank and file, divided into two portions; 10 companies formed the service companies and two were depôt companies. They had 10 companies, composed of 38 officers, with 800 rank and file, efficient whether at home or abroad, ready to go anywhere at a moment's notice; and they had in the depôt companies six officers and an average of 150 men. Consequently, it would be found that whereas in 1853 there were 10,111 men in the depôt companies, they had with the service companies only 19,701 men, so that one-third of the whole force was at home and inefficient, and two-thirds were abroad; whilst now they had 63 depôts in January, 1860, containing 12,969 men, and 50,455 with the service companies. The latter were all efficient, the duty men with their regiments and were ready to go anywhere. He did not think, therefore, that the noble Earl was justified in saying that they were keeping back a great many efficient men at the depôts, when they kept them as low as they

could, and kept the service companies as complete as they could. The noble Earl said he objected to the depôts altogether, and he (the Duke of Cambridge) wished they could get on without them; but in our service it was impossible. Our army was scattered all over the world, it was not a matter of choice, but of necessity, to have depôt companies to get the men together and train them. The noble Earl said, why not send out the men at once to the service companies? Would he have them send out inefficient men? The Commission with reference to the Indian army recommended the not sending out untrained men, and they now never sent men out of the country that were not thoroughly trained, and who had not undergone a complete course of instruction. It was a far better system than sending men out like so much baggage, a dozen at a time in a ship. It was impossible to send the men out in driblets to join their service companies, and if he were to be perpetually going to the Admiralty to have ten men sent to Canada one week, and twenty men to Gibraltar another, the noble Duke opposite would very soon tell him they could not be sent because there was no ship going. The men, moreover, must be forwarded at certain times, and the time of sending them was regulated by various considerations—such as the facilities for procuring tonnage, and the climate of the station to which they were to be sent. The noble Earl talked about 17,000 men in depôts, and talked about the Indian depôts; but he took a time of year when the depôt companies were full, and had he waited until June he would have found it nearer 7,000 men than 17,000; and many of these men remaining at the depôt were broken down in health. The noble Earl said the use of depôts was merely to bring the men together; but they never kept the men in depôt longer than they could help, and they sent them out as circumstances, climate, and arrangements would admit, in order to fill up the service companies. The noble Earl said it was a most absurd thing to have a number of field officers and adjutants in the depôt; but if that were not the case the depôts would be in a most inefficient state. The noble Earl urged that none of these officers should be married men, but that of course was an accident over which the Horse Guards could exercise no control; and there were regulations to meet the case, calling on the field officers to dine once or twice a week at mess, to obviate the inconvenience alluded to by the noble Earl. Another complaint of the noble Earl was, that all the young ensigns were brought together at these depôts. He admitted that there was a certain inconvenience in that; but he had already issued an order that in the case of regiments on the home service, ensigns should join the service companies at once. The noble Earl advocated a complete system of double battalions. Of course, if he could persuade Parliament to consent to the large increase in the army which this would entail, well and good; but he could not conceive how such a system could be established without a large increase. The noble Earl had quoted the authority of the Duke of Wellington in his favour; but he remembered that the reserve depôt at Parkhurst was formed in his time, and he had never heard of the Duke of Wellington expressing disapproval of that step. Parkhurst was the model which Lord Hardinge followed when he established the consolidated depôts. If the noble Earl's system were adopted, the result would be that the home battalions would be nothing better than overgrown depôts. All the inefficient men and all the recruits would be sent to the home battalions, and the consequence would be that though we might have a reserve at home of forty or fifty battalions on paper, there would not be more than four or five fit for anything. That was an unanswerable objection. The noble Earl had said that he did not mean his system to apply to a war establishment, but to a peace establishment. A war establishment was a very different thing from a peace establishment. We could not expect the country to maintain a war establishment in time of peace. In peace we must do the best we could, and he contended that by keeping our regiments as efficient as possible, and our depôts as low as possible, we should secure a better establishment than if we were to distribute our force in the manner proposed. In war we must have a second battalion. In that case he would leave the service companies as they stood at present; he would withdraw some of the officers and a staff of sergeants, adding them to the depôts, and then he would immediately have a second battalion ready to feed the first. There was another reason for the present arrangement. He was sorry to say that a number of regiments were at present commanded by captains. Officers would not go all over the world without getting leave of absence sometimes—it was impossible not

to grant leave; but the system of having captains in command of regiments was a bad one. He had set his face against it, and made every effort to prevent it, but had failed. If he had a larger number of field officers and officers generally with the service companies he would be in a position to give officers leave whether on account of health or for their private convenience, and still keep the regiment in an effective condition. The noble Earl said that he would send out recruits to the West Indies and the Colonies. They did not at present send out a man that ought not to be sent. It was desirable to keep the garrisons at those distant stations as small as possible; but if they were small they must be efficient. None that were sent abroad were inefficient. The regiments at home were also efficient; the depôts were merely for drill and instruction. The only example that he could at present adduce on the double battalion system was the case of a regiment of the Guards. When one battalion of that regiment went to Canada in 1838, one battalion remained at home while the other went abroad. The battalion in Canada was kept up to 895 rank and file, while the one at home, though with the same number of officers, was never of greater strength than 390, and this too when there was no particular drain on the battalion abroad. That was just what would happen in every regiment of the line if they had those double battalions. He hoped their Lordships would admit the force of this argument though he was the last man in the world who would set up his own opinion against that of experienced officers, many of whom he knew took an opposite view of this matter; but he thought those officers were not quite conversant with the way in which the existing system worked. The noble Earl (the Earl of Lucan) had himself acknowledged that he had had no experience of it; and it was a strange fact that when an officer came forward to attack a portion of the military system of the country their Lordships should be told that he had carefully and scrupulously avoided inquiring into its working. He (the Duke of Cambridge) would state the opinion of two distinguished General Officers, whose opinion would, he thought, have weight with the House. The late Adjutant General, Sir George Wetherall, than whom there was no more experienced and excellent officer, had authorized him to say that he had never known the army to work so smoothly and efficiently as at present; and Sir Frederick Love, the present Inspector General of Infantry, though at first opposed to the system, had so far changed his opinion that he had authorized him to say that the officers instructed at depôts were superior to those instructed at head quarters. The fact was that it was the intention of the authorities to make the depôts first class schools of instruction, and it was the duty of those in charge of them to give instructions daily, hourly, he might even say momentarily. The noble Earl said that a young officer, or a raw recruit, being kept for six or eight months at one of those depôts, must have his *esprit de corps* destroyed. He (the Duke of Cambridge) in reply could only say that if that were the case the *esprit de corps* of the officers and of the regiment generally must be in a deplorable condition. The fact was that an officer entering a good regiment adopted its *esprit de corps* the moment he joined it. He was aware that the commanding officers of regiments did not like the depôts. He would tell their Lordships why. Because it was by these depôts the Horse Guards discovered the irregularities in the regiments which could not be discovered in any other way. It was in that way they discovered and stopped them. He did not blame those officers. Every man had some hobby—something of his own which he liked himself; but at the same time these things could not be allowed to go on under the sanction of authority. He had frankly and fairly stated to their Lordships why he thought the system a good one. At the same time he would be the last man to say that a change ought not to take place if a better system could be laid down. He did not say that the depôt system was the best that could be devised; but he had not yet seen any better system propounded; and while this was so he hoped their Lordships would do all that lay in their power to maintain the present one.

LORD DE ROS expressed his concurrence in the remarks of the illustrious Duke the Commander-in-Chief. It appeared to him that a great deal more merit was due to this system than to the former system at the depôts, and he trusted it would be supported.

THE DUKE OF RUTLAND said, there was one point to which he was anxious to draw their Lordships' attention, though perhaps strictly it did not come within the present discussion. He alluded to the volunteer system which had been recently

established in this country. He wished to speak of it with the greatest possible respect, for he thought the spirit of patriotism shown by the people when it was believed there was some danger to be apprehended from a neighbouring Power was deserving of all praise. What he feared was that the volunteer system would be allowed to interfere with and supersede our regular forces. He found the Militia was not to be embodied, and he also found that the Yeomanry were not to be called out for training this summer; and they were doing this while at the same time they were about to adopt a more direct taxation for an indirect system. What he feared was that year by year any Government that might be in power would be under an almost irresistible temptation to relieve the public purse by a reduction of the army, and fall back upon this volunteer system. He approved of this volunteer force, and thought it a most excellent movement, but he hoped it would be maintained only as an auxiliary force, and in addition to the regular army.

THE EARL OF LUCAN shortly replied.

House adjourned at Half-past Seven o'clock, to Monday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, May 4, 1860.

MINUTES.] PUBLIC BILLS.—1° Marriages (Extra-Parochial); Spirits.
2° Innkeepers Liability,
3° Bank of Ireland.

CANAL COMPANIES.—QUESTION.

MR. BEAMISH said, he would beg to ask the President of the Board of Trade, Whether it is intended to renew the Act of 1858, restraining Canal Companies, being also Railway Companies, from leasing Canals.

MR. MILNER GIBSON said, it was the intention of the Government to bring in a Bill for the renewal of this Act.

On Motion, "That this House at its rising do adjourn till Monday."

OUR RELATIONS WITH JAPAN.

QUESTION.

MR. BAILLIE COCHRANE said, he rose to ask the Secretary of State for Foreign Affairs what steps have been taken by Her Majesty's Government to protect our commercial interests in Japan. In putting his question he should take the liberty of making a few observations. He knew that questions of the kind failed very frequently to excite any interest in the House; but the circumstances of the case were very important, and that must be his apology for calling attention to the state of our relations with Japan. Hon. Gentlemen who had not perused the papers relating to Japan might not be aware that there was at present a great risk of a massacre of the whole of the European inhabitants. But as such appeared to be the case, it was right that the House should know what means the Government had adopted or intended to adopt in order to protect the interests of those persons who, in consequence of the policy of the Government, had been induced to make Japan their place of residence. In 1854 Admiral Stirling, a distinguished officer in the British service, and then commanding in those seas, entered into a convention with the Government of Japan with regard to certain harbours in that country, and obtained by virtue of that convention the privilege of access to the country by our merchants. Very little result was produced by that convention; but it was a striking circumstance, as the first instance in which the Emperor of Japan had abandoned the restrictive policy of the empire since the great massacre of Christians which took place there two centuries ago, that massacre having been followed by laws so stringent that no Japanese, on pain of death, could leave the country, or, having left it, could return to it. Admiral Stirling having entered into that convention, Lord Elgin, in 1858, during the progress of the negotiations which were carried on in China, went to Japan for the purpose of effecting another commercial treaty with that country, and at the same time to present to the Emperor, or the Tycoon of Japan, a yacht, the gift of Her Majesty. Hon. Members who had taken the trouble to read the despatches on the table, must have been struck with the interesting account given of that visit by Lord Elgin; as well as the able and admirable narratives of Mr. Oliphant and Captain Sherard Osborn on the same subject. With all the admiration that he felt for Lord Elgin, and his patriotism in again returning to the East, he regretted to be forced to say, that his Lordship appeared to have fallen into the same error in Ja-

pan as we had fallen into with regard to China, and which had led to all those calamities, involving the loss of he did not know what amount of blood and treasure. We had treated the Japanese in the same manner as the Chinese—at one moment as barbarians, in the next demanding from them all that conduct which pertained to the highest civilization. And while we demanded of them the strictest execution of the treaties into which they had entered, we were the first to violate those treaties. For instance, Lord Elgin, in contravention of the convention made by Admiral Stirling in 1854, and in opposition to all the remonstrances of the authorities of Japan, drove through the harbour of Yeddo and anchored in the inner harbour, in defiance of all treaty obligations. In another place, Lord Elgin had lately blamed him for having used harsh language towards him. He could assure the noble Lord, and he trusted that the assurance would reach him in due time, that he felt the greatest admiration for him. The noble Lord had exhibited the greatest self-denial and patriotism in again going out to China as Ambassador. Nothing less than real love of his country could have been his actuating motive. Still, he differed from some of the views which Lord Elgin had carried into effect, and which had been well described by the right hon. Baronet below him (Sir Bulwer Lytton) as the predetermined system which we had pursued in the East. The noble Lord having arrived at Yeddo, concurred with Mr. Oliphant and Captain S. Osborn in bearing testimony, and most touching testimony, to the gentle, generous, amiable, and kindly qualities of the Japanese. It was a country more densely populated than any country in Europe, and yet, in which, owing to the admirable system of legislation there pursued, there were actually no poor. There were cities of enormous population, as Lord Elgin testified, and yet the crowds in the streets, though naturally anxious to see the foreigners in their capital for the first time, were kept back by a packthread stretched from end to end of the streets. Mr. Oliphant had declared that during the whole period they were in Japan nothing occurred to mar the pleasure and the happiness they derived from their visit to the Japanese. Such having been the case, it became a question what had given rise to the sudden change in the relations between the two countries. A gentleman of very excellent ability, and of very great influence in the East, Mr. Alcock, was appointed to the post of Consul General at Yeddo, and a number of other gentlemen, also of great ability, were made Vice-Consuls. Mr. Alcock was subsequently named Minister Plenipotentiary. But as he (Mr. Cochrane) said before, unhappily we fell into the same error as we had done in China. Two demands were made on the Japanese. One was, that we were to have a Minister resident in Yeddo; the other, that all the Vice-Consuls were to be so situated as to be placed in immediate and convenient relations with the Government of Japan. The whole feelings of the people in eastern countries were opposed to such close intercourse; and the noble Lord the Secretary for Foreign Affairs in one of his despatches had suggested that another port should be substituted for that on which Mr. Alcock had insisted. From the moment we had put forward those demands, a bitter feeling arose in the minds of the people of Japan, and was shown in a manner that would interest the Chancellor of the Exchequer, for it exhibited very great and wonderful ingenuity in dealing with questions of finance, and the result had been to place us in a position of very great difficulty and embarrassment. One article of the treaty stipulated that the Mexican dollar should be taken by the Japanese in exchange for Japanese silver at an equal weight. At that time the Mexican dollar was equal in weight to three Japanese itzebous. The Japanese, therefore, called in all those coins, and re-coined them so as to render them equal in weight to the Mexican dollar, and the result was, that the English lost two-thirds of the exchange in the value of money. There was unhappily another occurrence of a more serious nature. The export of gold from Japan was prohibited, but if it could be smuggled out of the country it produced an enormous profit, and he regretted to find that English merchants had sent in demands for large amounts of itzebous in order to buy up gold. The Japanese Government then declared it would issue no more silver, and the people even burnt down the Emperor's palace in order that they might be able to say that under the melancholy circumstances the public offices would not be opened. And so the public offices were closed. He should explain that the Government had announced that they would only issue silver in proportion to the demands that were made on them for it. The result was that the European houses began to make absurd demands. Thus one

house, Tells by name, asked for 250,000,000 dollars' worth of Japanese silver; the house of William Jones asked for silver to the amount of 1,000,000 dollars. And so in many other cases. This went on so quietly, that the demands became still more absurd; and he held in his hand a list of the houses of "Doodle-do," "Nonsense," "Is it Not?" "Snooks," and others, which had sent in claims for silver to large amounts, making a total of upwards of 355,000,000,000 of dollars. The conduct of these Europeans had been appropriately described by Mr. Alcock as a positive disgrace to anybody bearing the name of Englishman. Every one he was sure would concur in the sentiments expressed by the noble Lord in his despatch to Mr. Alcock, in which he expressed his confidence that the East India and China Association would view with disapprobation and alarm the way in which the trade with Japan was put in jeopardy by reckless and unscrupulous individuals, and that they would use all their influence to discountenance such conduct. This was language worthy of the Foreign Secretary of this country. But, in the meantime, the trade with that country was, to all appearance in a state of great danger. In his very last despatch Mr. Alcock stated that sinister rumours of a general massacre of the foreigners were put in circulation, whilst the warnings sent to the diplomatic agents against being burnt out looked ominously like a foregone conclusion. Added to this, the frequent recurrence of earthquakes made the post of diplomatic agent in that country by no means an enviable one. He would ask, therefore, what means were about to be taken for the protection of the inhabitants. There was only one other observation he wished to make in connection with this question. We were now engaged in hostilities with China, in which he knew not how much of money would be expended, and the termination of which no man could tell, for the sake of obtaining the right of having a resident Minister in Pekin. But the Russian Government already had an Ambassador residing in Pekin, and he had obtained for his country all the objects for which we were about to expend so much blood and treasure. While, too, we were asking to have a resident at Jeddo and endeavouring to render our relations with the Japanese more intimate, the Japanese breaking through the traditions and customs of their country, had sent an embassy to the United States and had given to the United States all the advantages of intercourse which we were seeking to secure. The whole of the papers showed that while this was the case we did not know how to go about the establishment of friendly relations with these people. Mr. Oliphant, in a remarkable passage of his excellent work had said,—

> "So essential to the maintenance of amicable relations with Japan is it, that we should employ in our intercourse with them a mixture of firmness and forbearance. No less vital was it that our merchants should set an example of rigid adherence to treaty obligations."

With these expressions he (Mr. Cochrane) fully agreed; and he trusted that, as he saw the noble Lord had expressed himself in strong language respecting the conduct of Europeans in that country, so in future those who were in office would treat the people as they should be treated, and carry out honourably the conditions of the treaty. He wished to ask whether Lord Elgin had any authority from Her Majesty's Government to proceed, after the Chinese expedition was at an end, to Japan; and also what means Her Majesty's Government had taken to protect the interests of our commercial policy in that country?

BERWICK-UPON-TWEED ELECTION.

CONFERENCE.

The time being come for the Conference with The Lords upon the subject matter of an Address to be presented to Her Majesty, under the provisions of the Act of the Sixteenth of Her present Majesty, chapter fifty-seven:

Ordered, That a Committee be appointed to manage the Conference.

And a Committee was appointed of Mr. PEEL, Mr. MILNER GIBSON, MR. BOUVERIE, Mr. HENRY HERBERT, Mr. LOCKE KING, Mr. WILLIAM EWART, Mr. RIDLEY, Mr. BONHAM-CARTER, Sir JOHN SHELLEY, and Mr. KNATCHBULL-HUGESSEN.

Then the Names of the Managers were called over; and they went to the Conference.

And being returned;

Mr. PEEL *reported*, That the Managers had been at the Conference, which was managed on the part of The Lords by the LORD STEWARD, and that they had delivered to their Lordships the Address agreed upon by this House, to which they desired the concurrence of their Lordships; and that they had left the said Address with their Lordships.

At a later period of the evening a Message from *The Lords*,

That they do *request*, that this House will be pleased to communicate to their Lordships a Copy of the Report from the Select Committee appointed by this House in the present Session of Parliament, to try and determine the matter of the Petition of Richard Hodgson, complaining of an undue Election and Return for the Borough of Berwick-upon-Tweed, together with the Proceedings and Minutes of Evidence taken before the said Committee.

OUR RELATIONS WITH BRAZIL.

QUESTION.

SIR HUGH CAIRNS said, before the noble Lord replied to his hon. Friend, he wished to ask him a question concerning the claims of British subjects on the Brazilian Government. It was said that the delays in the settlement of those claims were caused by our Government. He wished to ask the Secretary of State for Foreign Affairs, Whether any representations have been made to the Foreign Office as to the delays occasioned by the Brazilian Government in the disposal of Claims of British subjects laid before the Mixed Commission under the Convention of 2nd June, 1858; whether any steps have been taken by Her Majesty's Government to ensure the speedy adjudication of such Claims, and whether any Papers on the subject can be laid upon the Table?

THE ROMAN GOVERNMENT.

QUESTION.

SIR JOHN ACTON asked the noble Lord the Secretary for Foreign Affairs, Whether he would consent to lay upon the Table of the House Copies of all such Despatches and Reports as had been received from the Diplomatic Agents of the British Government in Rome from the year 1855 to 1858 relating to the condition and administration of the Roman States? He said:—I do not apprehend the noble Lord will have any difficulty in producing these papers, for he has made no secret of his opinion of the Roman Government, and I can hardly suppose that he will wish to withhold the information on which that opinion is founded. My motive in asking for them has no direct reference to the events now passing in Italy, or to the policy of the Government regarding them; still less do I now mean to attempt any vindication of the Roman Government. I think that it would be idle to discuss the political merits of a question in which such great religious interests are involved, and in which so much religious animosity has been unfortunately excited. My object is simply to elicit information. Judging from the language of successive Ministers, I have no right to suppose that that information is of a favourable character; but I ask for it not because I expect that it will be favourable, but because I hope that it will be authentic. It is impossible at present for any impartial persons to distinguish truth from falsehood in the midst of so much conflicting testimony and of so many conflicting passions. We have plenty of unscrupulous attacks on one side, and a good deal of not very discriminating eulogy on the other. There is but one document proceeding from a witness alike competent and disinterested—I mean the despatch of the late French Ambassador, of which, by the way, the French Government has implicitly admitted the authenticity. But that document is notoriously at variance with all that we are accustomed to hear. I hope, therefore, that is not too much to ask the Government that they should lay upon the table the Reports which they possess, equally authentic in character, but widely different apparently in spirit, in order that we may be able to judge of the materials on which they have founded their opinion and their policy. It is a practice with which the Roman Government has often been reproached, and of which it is easy to perceive the bad consequences, that it does not court publicity. I hope the noble Lord will not imitate that failing, but will rather assist in correcting it. All Catholics are, or ought to be, anxious to know all the truth concerning the accusations brought against the Roman Government. We do not wish to be open to the accusation that we are arguing upon imperfect knowledge, or defending what does not deserve to be defended. We do not wish that it should be believed that the Catholics of this country, who are better fitted by their position and their experience to appreciate the advantages of good government, are indifferent to the political welfare of their fellow Catholics abroad, or that we are blinded by attachment to our religion to facts by which, if they are true, that religion is injured and disgraced. I believe, then, that in asking for these papers I am speaking in the interest of all Catholics. But we are all of us interested in the good

name of our public men, and it can be a matter of indifference to nobody to know whether the information which is in the possession of the Government bears out the statements which have been made by men in high and responsible positions, undefended by argument, and unsupported by evidence.

DIPLOMATIC POSITION OF MR. COBDEN.—QUESTION.

Mr. PALK said, he rose to ask the Secretary of State for Foreign Affairs, Whether Mr. Cobden holds any Diplomatic Appointment at Paris; and, if so, whether that appointment is independent of or subordinate to the English Ambassador? His question was not put from any invidious feeling towards the hon. Member. On the contrary, he trusted he might bear his willing testimony to the fact that the services of the hon. Gentleman had been rendered without any attempt on his part, or on the part of his friends, to obtain any emolument whatever. The hon. Gentleman had negotiated a Treaty, which the right hon. Gentleman the Chancellor of the Exchequer had characterized as one that would produce vast benefits to this country. He (Mr. Palk) only hoped that that expectation might be verified to the extremity of the letter. But rumour stated that the same hon. Gentleman was about to be employed in a negotiation of still greater importance than that which he had lately conducted. He alluded to the Treaty for giving reciprocity to that interest which was suffering more than any other from the effects of recent acts of legislation. He trusted that the efforts of the hon. Gentleman to obtain some better terms for the mercantile marine of this country might be crowned with success. He did not doubt that the negotiation would be conducted with a due regard for the honour and dignity of this country; but he questioned whether an individual having no official position, and no recognized status, as a plenipotentiary or attaché to an embassy, ought to be entrusted with a commission of such great importance. This country surely was great enough, rich enough, and powerful enough to pay for the services of its public men. It was moreover doing an injustice, both to the individual and to the Treaty itself, if they permitted Mr. Cobden to negotiate at Paris without a known and recognized position. He trusted the noble Lord would be able to assure him that this point had already been taken into consideration by Her Majesty's Government. Whether it was right or usual to place an individual, who had hitherto had no connection with the diplomatic service, in a position where he must in reality be supported by a well-trained and experienced negotiator was a question he (Mr. Palk) would not go into. Mr. Cobden was entrusted with a mission of very great importance, in which every one in the House must wish him complete success. But no means should be left unattempted to secure this end; and it was only just that the individual himself should speak in the matter with the authority of an accredited agent.

EXPEDITION TO CHINA.—QUESTION.

Mr. BAILLIE said, he wished to ask the noble Lord a question with reference to China, Whether it is true that a Telegraphic Despatch has been sent out to stop the Chinese expedition till the arrival of Lord Elgin. If the rumour to that effect were correct, the expedition would be delayed till the month of July, the most unfavourable season of the year for naval operations, and a very short space of time would be left when operations could be conducted at all.

ITALIAN AFFAIRS. CASE OF MR. OGILVIE.—QUESTION.

Mr. HENNESSY said, that before putting the question of which he had given notice, he wished to say one word with reference to the question that had been put by the hon. Baronet (Sir J. Acton). He hoped the Government would consent to lay on the table all the despatches, not only which had been received from the diplomatic agents at Rome, but those which had been sent out to Mr. Russell. His reason was that the noble Lord and other distinguished Members of the House had, on more than one occasion, intimated their opinion that the Grand Dukes and the Pope ought to have fought for their dominions if they really claimed a right to them. Now he was informed that the noble Lord, in one of his despatches directed Mr. Russell, in the name of the English Government, to advise the Court of Rome not to take any hostile course with reference to Sardinia. If that were so, the noble Lord was undoubtedly to blame; for that very course had led to the annexation of Central Italy to Sardinia. He had also been informed

that the noble Lord had written a despatch in which he instructed Lord Augustus Loftus, at Vienna, to recommend the Government of Austria to dissuade the Court of Rome from taking any hostile course: and that, in reply, Mr. Russell wrote to the effect that a pacific course was approved of, and that the Roman Government was prepared to offer no opposition to the King of Sardinia. The fact was that the Pope was ready with his army to defend his territory, and attack the troops of the King of Sardinia if they entered it. So also was the Grand Duke of Tuscany and the Duke of Modena. The English Government, however, dissuaded them from defending their territories. Furthermore, the diplomatic agents of this country prevailed upon the Grand Duchess of Parma not to take the course which would have been ordinary and natural under the circumstances. He (Mr. Hennessy) would take the liberty of reading a few lines from one of the published despatches. When Lord Augustus Loftus made that extraordinary recommendation to the Court of Vienna the Austrian Minister replied that, "the Pope was an independent sovereign, and no one could contest his undisputed right to defend from aggression a province which was part of his own dominions." Now he (Mr. Hennessy), ventured to think that the noble Lord had not acted in conformity with a strict policy of non-intervention in dictating either directly or indirectly to the Court of Rome upon such a subject. The Duke of Modena was anxious to take hostile steps when the Sardinian army entered Italy, and he too was dissuaded by the English Government from taking the most ordinary precautions. And yet the noble Lord a few nights since had spoken of these rulers as having run away, and abandoned their dominions and subjects. He was also anxious to call attention to despatches of the noble Lord, in which he had gone beyond the usual limits of diplomacy, and used language fortunately not often seen in the despatches of European statesmen. The Earl of Malmesbury in his despatches had always referred with great delicacy to the temporal rule of the Pope. That noble Earl appeared to be of opinion that it was highly improper that England, being a Protestant country, should dictate to the Pope, or intermeddle in the affairs of the Holy See; and he never made the least allusion to the ecclesiastical rule of the Sovereign Pontiff. The noble Lord opposite (Lord John Russell), however, in one of his despatches declared that the temporal rule of the Pope ought to be confined to Rome and a certain circuit outside the walls of the city. That might be the noble Lord's opinion; but it was a question whether he should have announced it to one of his diplomatic agents, and thus recorded it in a public despatch. But he went much further. The noble Lord described the ecclesiastical rule of the Pope as ignorant, tyrannical, and corrupt—he had spoken of it in terms quite as strong as those of his celebrated Durham letter, and quite as insulting to his Roman Catholic fellow-subjects. He was very sorry that the noble Lord had so far digressed from the policy of his predecessor. Of course the noble Lord, as a member of the Church of England, might naturally suppose that the rule of the Church of Rome was ignorant and corrupt; but the House would not sanction that language as a description of the religion of some millions of Her Majesty's subjects. He would now beg to ask Mr. Chancellor of the Exchequer whether Mr. Ogilvie, of the London Customs, who has been selected to assist in the revision of the French Tariff, as stipulated under the Treaty, is the officer of that name, who, a few years ago, was engaged, under the direction of the present Chairman and Board of Customs, in getting up the prosecutions for alleged frauds against the various Dock Companies of the Port of London; whether Mr. Ogilvie was employed in revising the British Tariff which has just been abolished, and which was based upon the principle of levying Duties by specific rates: and, further, whether there is any objection to the Reports or Statements made, on a former occasion, by Mr. Ogilvie to the Board of Customs, or any member of it, or to any person connected with the Government, in opposition to the abolition or reduction of the Wine Duties, being presented to this House?

ITALY—THE PAPAL STATES.

QUESTION.

MR. BOWYER said, that before the noble Lord adverted to what had fallen from his hon. Friend (Mr. Hennessy), he also wished to ask him a question. The noble Lord would remember that he some time ago asked him whether he would lay on the table a despatch which was material for the completeness of the Correspondence on Roman affairs, and which was dated the 29th of February, and addressed by Cardinal Antonelli to the Nuncio at Paris

for the information of the French Government. In that despatch the Pope answered the arguments used by M. de Thouvenel in his despatch to the French Ambassador at Rome. He (Mr. Bowyer) was anxious to know whether the noble Lord was prepared to lay a copy of that despatch on the table. There could be no difficulty in procuring a copy, and it would make the information before the House more complete. He had no doubt that his hon. Friend's information with respect to a despatch written by the noble Lord, in which he denounced the ecclesiastical rule of the Pope as tyrannical and corrupt, was well founded, because the noble Lord had lately admitted that he had written despatches to the Court of Naples in which he denounced the Government of Naples as ignorant and tyrannical. The noble Lord probably thought that as he would not be very successful in passing a Reform Bill in England, he might as well endeavour to pass a Reform Bill in the kingdom of Naples. He had no doubt that the noble Lord had intermeddled in the internal affairs of Rome, and he protested against the noble Lord's interference in matters which did not concern him. Her Majesty's Government had no right to give any opinion whatever with regard to the internal administration of the Pope's dominions. Her Majesty's Government had never interfered in the affairs of Italy without doing mischief. Whenever they had expressed their opinions on those affairs they had done so in a tone and manner highly insulting to the Sovereigns of Italy, and had shown so much prejudice against those Sovereigns that no useful result could follow any opinions they might give on Italian affairs. He protested against the opinions of Her Majesty's Government which might be laid on the table with regard to the internal administration of Rome being received except in the manner he had stated —that was to say, received as the opinions of persons who interfered in matters with which they had no right to interfere.

ROMAN CATHOLIC CHARITIES.

QUESTION.

MR. NEWDEGATE said, he wished to ask the hon. and learned Member for Dundalk, when he intends to proceed with the Bill respecting Roman Catholic Charities, upon which the Secretary of State for the Home Department has informed the House that the hon. Member has been in communication with the Government?

LORD JOHN RUSSELL: Sir, I will endeavour to answer the various questions which have been addressed to me, but I will not now attempt to enter into a discussion with the hon. Member for the King's County (Mr. Hennessy) as to the general policy which has been pursued by Her Majesty's Government.

The first question which has been addressed to me concerns our relations with the Empire of Japan, and I have to inform the hon. Member that since the papers to which he referred were laid on the table, other despatches of considerable interest and importance have been received. In forming a trading connection with a country for the first time very considerable difficulties have unavoidably to be encountered, and in the case of Japan one of these difficulties was the state of the currency, because, while the proportion of gold to silver in this country has been as one to fifteen, or thereabouts, in Japan it has been as one to five. It was therefore a very profitable business for the British merchants, or rather their agents in Japan, to obtain quantities of silver, and with that to purchase gold for exportation. That trade naturally excited a good deal of apprehension and objection on the part of the Japanese Government and people; but I am happy to say that the Japanese Government have pursued a sensible course in this matter, and have made the proportions of gold and silver in their currency the same as has been generally adopted in the countries of Europe. The opening of our commercial intercourse with Japan has been attended with various other occurrences, more than one of them, I am sorry to say, of a very distressing character. For instance, one of the servants of the British Mission was a native of Japan, who had passed many years in the United States, and was a master of the Japanese and English languages. His conduct had provoked a great deal of animosity on the part of his countrymen, and some of them having assaulted him he placed the offenders in the hands of the police, thereby causing a great deal of ill-feeling. The consequence was that one day, when he was standing at the door of the Mission, two or three persons suddenly rushed upon him and stabbed him so severely that he died instantly. The British Consul insisted that proper reparation should be made, and that the offenders should be prosecuted. The deceased accordingly received a public funeral, and his murderers were ordered to be arrested. All

this was done without exciting any ill feeling; and in his latest letters Mr. Alcock, while representing the state of affairs as still very unsatisfactory, and the apprehension that other murders might be committed as still prevalent, expressed himself more hopefully than in his former letters as to the prospect of the difficulties being overcome and of a considerable trade being established. At the same time it appears that the trade which is carried on consists almost entirely of Japanese produce supplied in return for silver, and that there is no considerable demand, indeed hardly any demand at all for British manufactured goods. In regard to the measures which have been taken for the protection of British subjects, I may say that there are ships which visit Yeddo from time to time, but as they are unable to approach within four or five miles of that town, they cannot be on the spot to interfere on any occasion when their presence might be required. As soon, however, as the Admiral can spare ships, that protection will be afforded to our countrymen in Japan to which they are entitled. I feel very strongly that we must be very careful that none of the clerks or agents of British merchants out there should commit any offence against the customs of the Japanese, for unless they abstain entirely from behaviour of that kind, we cannot justly complain of outrages against us, and it will be impossible to maintain satisfactory relations between the two countries.

The next question was put to me by the hon. and learned Member for Belfast, and refers to the delay which has been occasioned by the Brazilian Government in the disposal of the claims of British subjects laid before the Mixed Commission under the convention of the 2nd of June, 1858. The reason of the delay was, that an immense number of counter claims had been made, chiefly founded on slave trade transactions, some most notorious slave traders between Brazil and Africa complaining of the hindrance caused by the British cruisers to their nefarious traffic. Great difficulty was found in disposing of these claims. The British Government thought that those cases did not come within the terms of the convention; but the Brazilian Commissioners decided that unless they were investigated no inquiry should take place into the English claims; and thus the Mixed Commission was suspended on account of the differences which arose. An application has since been made by the Brazilian Minister to have the Commission renewed, but as the subject is attended with so many difficulties, and as those cases ought not, it appears to me, to have come before the Commission at all, I have resolved to take the opinion of the law officers of the Crown on the question. About a week or a fortnight ago the papers were accordingly submitted to those officers, and are still under their consideration. I cannot of course say at present what will be their decision.

I now come to the question which was addressed to me by the hon. Baronet (Sir J. Acton) in regard to the Despatches and Reports from the diplomatic agents of the British Government in Rome from the year 1855 to the present time, relating to the condition and administration of the Roman States. The diplomatic agent we have at Rome is not one of the regular character, but only an attaché to another mission in Italy, and therefore is not in the habit of transmitting diplomatic reports in the absence of any regular diplomatic relations with the court of Rome. I will endeavour, however, to see whether between 1855 and 1858 there are any Despatches which will throw the light which the hon. Baronet wishes upon the Government of the Court of Rome. Our information on that subject is not entirely founded on the Reports of our diplomatic agents, because various acts have been published from time to time and circulated in the provinces of the Roman States, which did not immediately concern the Court of Rome, and have not been reported to us by our agents. For instance, Bologna was for a considerable time in the hands of the Austrian army, and all the criminal jurisdiction of the place was conducted by Austrian courts-martial. That, of course, was different from the judicial system of Rome, and had nothing to do with the general conduct of that Court.

The hon. Gentleman opposite (Mr. P. Hennessy) and my hon. Friend the Member for Dundalk (Mr. Bowyer) seem to think I have some very peculiar objection to the Government of the Pope. I beg to say that for the personal character of the Pope I entertain very great respect. I believe him to be a most benevolent man, and a book has been written by an hon. Member of this House (Mr. Maguire), which shows that with regard to certain departments of the Papal government, such as the administration of hospitals and so on, nothing could be more charitable or afford a stronger proof of kindness of heart than the conduct of the Pope. But there are other

departments of Government, such as more especially the administration of justice—["Hear, hear"], which—I do not say the present Pope in particular—but the ecclesiastical government generally is, in my opinion, ill-calculated to discharge to the benefit of the people. The hon. Member for King's County said that, as a member of the Church of England, I might, of course, object to Papal government. Now I will say that though I have a very great respect for the Archbishop of Canterbury, yet, I believe, if Her Majesty were to transfer the Government of the county of Kent to the Archbishop, that county would speedily become the worst administered part of the kingdom. It is not, therefore, from any Protestant prejudice that I have not thought particularly well of the government of the Pope; but, at the same time, I confess there are opinions held by Roman Catholics in which, of course, I as a Protestant cannot share. For instance, an Italian gentleman, who is very much respected, has written a pamphlet, in which he says that to take the Romagna from the Pope is not an aggression, is not a robbery, but is a sacrilege. [Mr. BOWYER: Hear, hear.] No doubt my Italian Friend stated those as the opinions of Roman Catholics, but they cannot expect that Protestants will deem it sacrilege to deprive the Romagna of the Government of the Pope. With regard to the Despatches written by Mr. Russell, there is this to be said—Cardinal Antonelli has spoken to Mr. Russell with the greatest openness about the mode of government in the Pope's dominions, and has said, "As you are not a regular diplomatic agent, we can speak to you with less reserve than we could if your character were strictly official." That is a reason, I think, why we should not produce to Parliament everything which Mr. Russell reports. The last thing to which the hon. Member for Dundalk referred was our conduct with regard to Naples, and he expressed an opinion that we have very unnecessarily interfered. But the conduct of that Government has been such to its subjects, both in Naples and Sicily, that it may at any time bring on complications and armed interference by one party or another, to which we cannot be indifferent. There is this likewise to be said—the Ministers of the King of the two Sicilies have from time to time communicated with us, which shows a reliance, and, in spite of my hon. Friend, I will say a just reliance, on the friendship of Her Majesty's Government. Upon one occasion there was a report that General Garibaldi was going to Genoa, that ships were being armed there, and that they would sail to Sicily. The Government of the King of the Two Sicilies immediately applied to Her Majesty's Government to endeavour to stop that expedition, and I lost no time in applying to the Sardinian Government, asking them, if they had any authority over General Garibaldi, not to allow him, while holding a Commission from the King of Sardinia, to proceed. But if we are asked for such acts of friendship, I think it is fair for us to say, on the other hand, "If you wish no aggression and no insurrection, it is at least desirable that you should conduct your government with such justice, and in accordance with such acknowledged principles, that discontent will not arise among your own subjects." It is only fair that with friendly intervention, not by arms, on our part, we should say to them what is our opinion of their Government. That is the course which I have pursued. I have never attempted to threaten the Government of the King of the Two Sicilies with any interference; but I have not concealed from them the opinion, not merely of Her Majesty's Government, but of every party in the country, with regard to some acts committed by the police of Naples.

There was another question, with respect to Mr. Cobden. I have stated already to this House, that Mr. Cobden being in Paris last year as a private individual had a great many private communications with the Ministers of the Emperor of the French. It was supposed that those communications might lead to a treaty, and then he was invested regularly, just as Mr. Eden, who was only a private individual, but in opposition to the Government of the day, was invested in 1786, with the titles and functions of Plenipotentiary, as regarded the Commercial Treaty. Mr. Cobden is now again in Paris, but he has gone from this country as one of a Commission to carry out the 13th article of the Treaty of Commerce. There are three Commissioners—Mr. Cobden, a gentleman from the Board of Trade, and a gentleman from the Board of Customs, who are associated with him, and who are persons most fitted to act. I do not believe that any one person or any three persons can be acquainted with all the details of a question of converting *ad valorem* into specific duties; but I believe that Mr. Cobden is especially fitted to treat

with the French Minister of Commerce. It is a specific matter, in which he does not act as Plenipotentiary; but, if any convention should ensue, Mr. Cobden will be associated with Earl Cowley in that convention. It has been very properly said that the British Government ought not to depend on volunteers. There is no salary for a person on a special mission, but it is proposed that the expenses of Mr. Cobden while on that mission shall be defrayed out of the public purse.

With respect to China, I have been asked whether orders have been sent out to stop the military and naval expedition from undertaking any operations. There is no truth whatever in that report. On the contrary, the Earl of Elgin was very desirous that if there were to be any naval and military expeditions, they should be commenced before he reached China, so that the responsibility might not be placed on him of ordering them. I believe that if such operations are to be undertaken, they will be undertaken before the Earl of Elgin arrives. I have now, I believe, given the best answers in my power to the questions that have been addressed to me.

MILITARY REGULATIONS.

QUESTION.

SIR DE LACY EVANS said, he wished to receive some explanation from the right hon. Gentleman the Secretary for War with respect to an Order which had been recently issued from the Lord Chamberlain's Office, to the effect that the rank of Volunteer Officers who may attend Her Majesty's Levees is no longer to be recognized. He could himself see no reason why such an order should have been made. He should also take that opportunity of expressing his regret that the Government had refused to sanction the raising of volunteers in Ireland; he believed that they might, by pursuing an opposite course, have obtained in that country a valuable addition to the national defensive force. He also found that a General Order had recently been promulgated requiring Officers of certain Corps to discontinue the use of peaks to their forage caps and to substitute, in future, gold lace stripes, in lieu of the present cloth stripes on their undress trousers. That was a somewhat strange regulation, and it was opposed to the practice which prevailed among English gentlemen from their earliest youth of providing some protection for their eyes.

Lord John Russell

IRISH FISHERIES.—QUESTION.

MR. CONOLLY said, he would beg to ask the Secretary of State for War, Whether he has given authority to the Officer commanding Royal Engineers to set up claims to Fisheries in Ireland in regard to Lands held for Military purposes where no such right existed; and whether he has authorized that Officer or any Department to let such Fisheries by public competition without previously establishing such right by Law? As the representative of a maritime county, in which the great bulk of the population were interested in the Fisheries, it was his duty to bring this matter before the attention of the House of Commons. The right hon. Gentleman had ventured to give orders to the officer commanding the Engineers in Ireland to let these Fisheries, but he had better ascertain his right to do so. For his own part he could not see what on earth the War Department had to do with Fisheries at all, and was quite satisfied that they had no business with the particular Fisheries which the right hon. Gentleman was now taking away from their lawful possessors. The right hon. Gentleman was absolutely there in the guise of a poacher [*A Laugh.*] It was not a laughing matter at all, for the rights of fishermen had been grossly violated for upwards of 200 miles. Those who had hitherto enjoyed the free right of fishing were now to be deprived of it unless they would pay a rent for it.

MR. S. HERBERT said, that with regard to the first question of the gallant Officer respecting forage caps and trousers, it was of so minute a description that he ought to have applied for an answer to the office of the Adjutant-General, where he was sure he would have obtained all the information he wanted. He believed that the officers applied to be allowed to use forage caps without peaks, as they were considered to be more convenient on a march, and would go into their holsters. With regard to the trousers, he believed the explanation was that by giving the cavalry but one kind of overall they could do with two pair instead of four. That, I hope, solves that mystery. With regard to the other question, he had made inquiry on the subject, and found that no such regulation as that referred to had been promulgated; but any regulation that might be made by Her Majesty for the reception of the society whom she honoured by receiving at her Court ought not to be

made matter of discussion in that House. With respect to the question respecting Fisheries, he had to observe that the War Department possessed considerable landed estates in different parts, some of them near the seashore; and, as the country was put to heavy expense for the support of the Military establishment, it was his duty to see that it had the advantage to which it was entitled from the possession of lands. He had only continued the same instructions which had been given at former periods. He had no doubt about his right to do so, as it was founded on an Act of Parliament, but if the hon. Gentleman doubted the right, it was for a court of law, and not for that House, to decide the point.

CLASSIFICATION AND EDUCATION OF INMATES IN UNION WORKHOUSES.

QUESTION.

Mr. W. EWART said, he wished to ask the President of the Poor Law Board, Whether it may not be advisable to adopt in Union Workhouses a system of Classification of the Inmates, so that the more respectable may be separated from the worse conducted classes; whether a greater separation of the children from the other inmates cannot be effected, and a system of industrial training more generally adopted; also, whether it might not be beneficial to encourage the introduction of small but well-assorted Libraries in Workhouses, together with the practice of reading aloud to those who cannot read themselves; also, whether any Returns could be made, showing how far such or any other recommendations of the Inspectors have been complied with in Workhouses, and what is the present number of District Schools for the education of children apart from the Workhouse, with the results of such separation of the Schools from the Workhouse?

Mr. C. P. VILLIERS said, that a few years since a Return had been made of the "General Regulations of the Poor Law Board, relating to the Classification of the Inmates of Workhouses;" and his hon. Friend would find there the specific arrangements made by the Board with a view to classification, together with the further order that the guardians throughout the country should, as far as circumstances admitted, subdivide the inmates into three classes, according to their moral character and previous habits. That order had been carried out to a great extent, and the Board had every reason to believe that the desired object would be carried out still further, for they had given instructions that every new workhouse should be so constructed as to allow of the requisite classification. In all the large towns there was now a strict classification with regard to the children. The Board had readily consented to establish libraries, and it was not an uncommon practice for one of the inmates to read for the benefit of the others. The suggestions of the Poor Law Inspectors had, as a general rule, been observed by the Boards of Guardians to whom they were made. There were now six district schools, formed under the District School Act, and 19 separate or parochial schools, in which there were altogether 7,063 children. They were all taught some trade or other, by which they could subsequently maintain themselves, and the demand for the service of the children educated in these schools was very considerable. There were also 251 paid industrial teachers, and altogether the children educated out of the parish rates were at present 33,579 in number. The system now in progress throughout the country was, of course, more advanced in the Metropolitan district, which comprised 50 unions and upwards of 300 parishes, and it might be interesting to his hon. Friend (Mr. Ewart) to be informed of some statistics contained in a note just made by the Metropolitan Inspector upon the condition of his district. The Inspector stated:—

"In the Metropolitan district, wherever there is a modern workhouse (and there are many), the guardians adopt every practicable means of classifying the moral and immoral women; the latter being set to task-work by themselves. With regard to libraries in workhouses, I have taken every means in my power to establish them by conferring with the guardians, and by recommending them in my reports in the Visitors' Books, and I am glad to be able to say that libraries have been established in many workhouses, and are being from time to time now established. There are three district schools, capable of containing 3,289 children, in the Metropolitan district, and the average weekly number educated in them last year was 2,263. There are 11 separate or detached schools, capable of containing 4,399 children, in the district, and the average weekly number educated in them last year was 3,097; so that there were 5,360 pauper children being educated last year in the above schools belonging to this district. The children are both mentally educated and trained with great strictness to habits of usefulness, industry, and virtue, the result of which is that, on the one hand, there is no difficulty whatever in obtaining good situations for them, and, on the other, very few of them lose their situations through faults of their own."

With regard to the Returns alluded to, the

materials which his hon. Friend desired would be furnished if he would move for them.

THE INDIGO RIOTS IN BENGAL.

QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for India, Whether, as lately stated in the public prints, a Bill had been brought into the Legislative Council of India, making the non-fulfilment of a contract to grow Indigo on the part of a Ryot a criminal offence; whether he had any objection to lay a Copy of such Bill upon the Table of the House, and further to inform the House if such Bill had been introduced as the result of any authorized inquiry; and, if not, on what other grounds the Legislative Council proposed to make the breach of a merely civil contract a criminal offence; and, if he would not require that a Commission should be at once appointed to proceed into the interior of Bengal to inquire and ascertain the circumstances which had led to the complaints of the Bengal Cultivators? During the last three years there had been three mutinies in India—that of the Bengal army, which it was clearly shown by the papers before the House might have been averted by ordinary precautions; the mutiny which took place on the transfer of the Company's troops to the Crown, which had resulted in an enormous expense to the country, and betrayed a degree of mismanagement in simple matter little creditable to the Indian Government; and, lastly, the rising of the ryots in the Indigo districts of Lower Bengal. The House had been told that when the East India Company was abolished they would receive information more direct and more quickly, and he had, therefore, been surprised to find that no official reports were to be obtained respecting a Bill of such importance. The serious nature of the disturbances in the Indigo districts would be best appreciated by the measures adopted to repress them. He was told that large bodies of the new police were pouring into the district, and that the Legislative Council with the utmost precipitancy were called upon to pass a Bill which would treat the simple breach of a civil contract as a criminal offence. Perhaps the House was not aware of the oppressive system by which the ryots were compelled to cultivate indigo. They received advances of money with a view to this cultivation, and, though it would pay them much better to grow rice, they were compelled to grow indigo. This had long been a grievance to the ryots, who had remonstrated, but in vain; and now, on attempting to resist the oppression, they were met by the Act which he had described. It was as if an English landlord were invested with the power of punishing a tenant for default of rent as a criminal offender. If such a thing were attempted by the Emperor Napoleon in Algiers, or by the Czar, the whole press would cry him down for his tyranny and oppression. In 1857 he had brought the case of the ryots before the House, and had urged the necessity of inquiry. On that occasion he was told by Mr. Mangles, who was then Chairman of the Company and held a seat in this House, that there really was no such oppression, though he promised to adopt remedial measures, and to make inquiries. He (Mr. Kinnaird) complained, however, that no inquiry, though promised, had been made. Surely a measure so oppressive and so unusual ought to be preceded by inquiry. At all events, he wished in bringing forward this question, to obtain from the Secretary of State for India an assurance that the condition of the ryots should now be properly investigated by the Government. The fact was, that the administration of justice in those parts was so incomplete and so complicated, that in the present emergency the system had broken down; but the substitute about to be applied would be most arbitrary and oppressive in its operation. In the Queen's Proclamation the following passage occurred:—

"When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer its Government for the benefit of our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward."

He was puzzled to understand how an Act so oppressive carried out the spirit of this promise to the people. The Queen's Proclamation had penetrated far and wide, and it accorded little with the tenour of such assurance to pass an *ex post facto* law, rendering that a criminal offence which was before purely a matter of civil contract. He hoped the Secretary of State for India would cause inquiry to be made without delay, and that at the earliest possible period the people of Lower Bengal would be relieved from the pressure of this most severe law.

MR. VANSITTART said, it appeared to him that the conduct of the magistrate of Baraset, Mr. Eden, had been very unjustly assailed, and that he had been made to atone for the blunders committed by Mr. Grant the Lieutenant Governor of Bengal. There had been great discontent for a very considerable period on the part of the ryots against the indigo planters of Lower Bengal. They accused the planters of great tyranny and oppression, and that charge had been fully proved by the evidence taken before the Colonization Committee, of which he (Mr. Vansittart) was a Member. That evidence proved that the indigo planters of Lower Bengal were a very different class of gentlemen from those residing in Tirhoot and the Upper Provinces, and that they had been in the habit of keeping in their pay Latteeals, or bludgeon-men, in order to coerce the ryots. The ryots also complained of the very arbitrary clauses which the planters were in the habit of inserting in the Cabooleeut, or contract-deed, on making advances of money for the cultivation of indigo, by which clauses they reserved to themselves the power of sending to the fields their own people to weed, reap, and cart the indigo. The consequence was that it mattered not how favourable the season might be and how abundant the crop, the ryots could not fulfil their engagements, because on their bringing to the planter the specified number of bundles of indigo the planter produced a counter statement of the expenses incurred in weeding, reaping, and carting, and thus he kept the ryot on his books as a defaulter. When he (Mr. Vansittart) was in India a ryot told him that, do what he would, he could not liquidate the debt incurred by his father twenty-three years previously, and it was a remarkable fact that, the more industrious the ryot was and the better he cultivated, the greater were the exertions made by the indigo planter to keep him on his books as a defaulter. It appeared that Mr. J. P. Grant, the Lieutenant Governor, had some lengthy correspondence with Mr. Grote, the Commissioner of Nuddea, on the subject, in which he made use of some hasty and ill-judged expressions, which the ryots construed as being favourable to their cause and interests. The police of Baraset were called upon by a planter to assist him in compelling some ryots to fulfil their engagements. The police referred the matter to their magistrate, Mr. Eden, who very properly and promptly instructed them not to interfere except in case of a breach of the peace, and to refer the indigo planter to the civil court for redress, it being altogether a civil suit. But, unfortunately, that was not all. It was said that Mr. Wilson had prevailed upon the Legislative Assembly of Calcutta to pass a law, after a sitting of a few hours, making the non-fulfilment of an indigo contract a criminal offence, punishable summarily by the Mofussil magistrates. Meanwhile, to such an extent had these disturbances spread that large bodies of military police had been moved down into the disturbed districts, and, therefore, by the violent proceedings of the planters on the one hand and the summary decisions of the magistrates, backed up by the military police, on the other hand, the gaols would probably be found to be inadequate to hold those miserable ryots who will be ground down to a state of the most abject misery and pitiable distress. It was much to be regretted that Earl Canning had not returned to Calcutta from his long itinerant tour in the North, because Mr. Wilson, by a most extraordinary *coup d'état* — very similar to what happened in that House in the early part of the Session—had succeeded in so completely fascinating and bewildering, for the moment only, it was to be hoped, the Members of the Legislative Council by his rash, ill-considered, and unworkable financial Budget, that he wielded despotic power in that irresponsible Assembly. In order to justify the question of which he had given notice, and that the right hon. Baronet the Secretary of State for India might not suppose he had done so on insufficient grounds, he would read a very brief extract from an Indian paper recently received :—

"Furthermore the Executive of Bengal, yielding, it is said, to Mr. Wilson's influence, has resolved to obtain an Act compelling the fulfilment of Contracts for the cultivation of indigo by a summary and peremptory process. The Bill was to be introduced into the Legislative Council on the 24th of March, when the standing orders would, of course, be suspended in order to expedite its enactment, and the provisions of the Act were to take effect from the date of its notification."

He would conclude by asking the Secretary of State for India whether he can state that the agrarian disturbances are confined to the districts of Baraset, Nuddea, and Moorshedabad, or whether they have extended to the adjoining districts of Lower Bengal; whether it is true that the Legislative Council of Calcutta, at the recommendation of Mr. Wilson, have passed a law, after a sitting of a few hours, making the non-fulfilment of an indigo contract a

criminal offence; and whether, in consequence of that proceeding, a feeling of deep exasperation has been excited among the peasantry, which has rendered it necessary for the indigo planters to secure, for their protection, the services of discharged soldiers and sailors lounging about Calcutta?

ORGANIZATION OF THE INDIAN ARMY.—QUESTION.

COLONEL SYKES said, if the Council of India possessed the powers of the former Court of Directors there would be no necessity for his putting the question of which he had given notice. Each member of the Court of Directors had the power of introducing any subject for discussion, just as hon. Members of that House brought subjects before the House. But the Council of India had no such power. They could discuss nothing but what had been introduced by the Secretary of State, who, if he consulted them at all, might take their advice or not, as he pleased. The consequence was that they were dummies, or not, according to the policy of the Secretary for India. There was, however, one exception, and that was in respect to the disposal of public money, and in all financial questions the Secretary of State must obtain the consent of a majority of the Council to his acts. The reorganization of the army of India was a real financial question, and one in which a million of money might be wasted or saved according to the measures that were adopted. He, therefore, wished to ask the Secretary of State for India when he purposes taking the judgment of the Council of India upon the Report of the Military Committee upon the reorganization of the Indian Army; and whether he will lay the result upon the Table of the House, with the other papers promised, and at what time?

MR. SMOLLETT said, he thought it was time that some definite information should be given to the House upon the important subject of the organization of the Indian army. There was a general opinion out of doors that there should be a large local force, irrespective of the Queen's troops, in India, and also that the delay that had taken place was as discreditable to the Indian Department as it was injurious to the public service. Before the mutiny there were 74 regiments of native infantry in the Bengal army. The rank and file of many of those regiments had now all disappeared; and yet the greatest part of the expense formerly connected with them was still being incurred in the pay of the officers. The expense of the Indian army amounted to something like £20,000,000 a year; a Commission had sat in this country on the subject of the reorganization of that army, but, so far, without any result, and he thought such a state of things was a discredit to the Indian Government, and most detrimental to the public service.

SIR CHARLES WOOD said, he would not enter into the question of the state of the Bengal Army. It was a question not of Indian only, but of Imperial importance. There were few officers, indeed, belonging to the disbanded regiments who were not employed in one way or other. They were not paid for doing nothing, Many of them were employed in connection with the new levies, though of course when those levies ceased to be necessary the services of the officers would be no longer required. Others were employed in various ways. Up to the present moment no expense had been incurred in that respect, but such as was unavoidable. He was sorry the rank and file of so many of the seventy-four regiments, to which reference had been made, had disappeared in the way they had done; but he did not suppose that any hon. Member of that House would say that the officers belonging to those regiments should be deprived of their pay. With regard to the question put by his hon. and gallant Friend (Colonel Sykes), he hoped to be able to lay the papers on the table next week.

He came now to the questions asked by his hon. Friend (Mr. Kinnaird) and by the hon. Gentleman opposite (Mr. Vansittart), with reference to the relations between the indigo planters and the ryots. He quite agreed that the state of those relations for some years past had been anything but satisfactory. His hon. Friend (Mr. Kinnaird) seemed to think that no steps had been taken with the view to place those relations on a more satisfactory footing. But he appeared to have forgotten that an Act was passed in 1859, which he (Sir C. Wood) hoped would produce very considerable improvement in the relations between the planters and the ryots. That Act, however, had as yet hardly come into operation. The state of the relations between them was this,—the indigo planters obtained by purchase or lease zemindary rights, and thus became the landlords of the ryots. The planter let to the ryot on favourable terms the land over which he exercised those rights;

he made him advances of money for carrying on his operations, but he imposed on him the obligation to grow a certain quantity of indigo. The consequence was, that the ryots were generally in debt to the planters, who by the exercise of the powers of zemindar, landlord, and creditor, kept them in a state of complete dependence, and he (Sir C. Wood) was very much afraid that in many cases those powers were exercised over them to an extent which the law would not sanction. The ryots had objected for some years to grow indigo, because they considered it was more profitable to them to grow other crops; and that state of affairs had led them to refuse to perform their contracts and to combine together to resist the planters. If it was true that sailors and soldiers had been brought up from Calcutta to assist the planters, it could not have been in consequence of the passing of any law, for the Government at home had received no account, publicly or privately, of the passing of a law. The necessity for a law had arisen practically from the state of things he had described. That being so, applications had been made to the authorities in Calcutta; he was not in possession of any official communication as to what had been done; the only information he had was contained in a private letter, dated the 23rd of March, stating the intention to introduce a Bill into the Legislative Assembly next day, for the purpose of dealing with the question. It did not, however, appear from that letter that it was intended to subject the infraction of a civil contract to criminal proceedings, but rather that a summary power was to be given of dealing with such infraction as a civil case. Some time ago an Act was passed authorizing magistrates to proceed criminally in those cases, but that Act was repealed in 1835, at the instance of the Court of Directors. All he could say on the subject was that the non-performance of those contracts must entail serious loss, and might lead in some cases to the absolute ruin of the indigo planters. He only begged that hon. Gentlemen would be good enough to suspend their judgment on the matter until they were in possession of the facts. The law, at any rate, whatever it might be, was only to be temporary; and in the meantime a Commission was to be issued to inquire into the state of the relations between the planters and the ryots, with the view, if possible, to place them in a more satisfactory footing.

LIGHTHOUSES ON THE IRISH COAST.

QUESTION.

MR. H. A. HERBERT, in rising to ask the question of which he had given notice upon this subject, said that the efficient lighting of the coast of Ireland was a question of the greatest importance, and one that affected the whole commerce of Europe. That duty devolved on a body in Dublin called the Ballast Board, but to keep the light, buoys, and beacons in an efficient state they ought to have a vessel devoted to the purpose of inspection, properly fitted and manned for such a purpose, and placed under their control. The Trinity Board of London have six steam vessels and eight sailing vessels at its disposal for that purpose alone; the Northern Commissioners of Scotland had 39 lights under their control, and were supplied with one large steamer and one small, one of them being for supervising business; but although the Ballast Board of Dublin had 70 lights placed in spots, in most instances quite inaccessible except by water, they were supplied with but one small steamer, so small that two buoys occupied the whole deck, and so ill-suited to the work it had to perform that he believed, if her log were referred to, it would be found that she was obliged frequently to put in and discontinue her inspections in consequence of being quite unfit to face the heavy seas on the west coast of Ireland. The consequence was that the Board had been compelled to borrow a steamer from another Board, the steamer which was at one period placed at their disposal having been taken from them and sold. He found from a Parliamentary Return that the Trinity House establishment, with 94 lights to look after, cost £46,343; the Northern Commissioners, with 39 lights to inspect, got £8,895; while the Ballast Board, with 70 lights, got £11,114. He therefore wished to ask the President of the Board of Trade whether the Board have received an application from the Ballast Board of Dublin to provide them with a suitable steamer for carrying out the service of frequent inspections of Light Houses, and for the supply of oil and other stores; what Reply has been given to any such application; whether the application has been referred to the Royal Commission now having under consideration the subject of Lights, Buoys, and Beacons; and whether any steps have been taken by the Board for providing the Ballast Board

with the accommodation indispensable for the due performance of their duties?

MR. MILNER GIBSON said, that an application had been made to the Board of Trade of the kind referred to by the hon. Gentleman, and a deputation had also waited upon him with a similar request. His answer was, that at the present moment it was difficult to come to any decision, because a Commission had been appointed by the right hon. Gentleman opposite (Mr. Henley) when he was President of the Board of Trade, for the purpose of inquiring into the general subject of lights and buoys, and reporting thereon. It appeared to him that it would not be right, on the eve of receiving the Report of the Commission, to decide on a question involving the large expenditure that would be incurred if the request of the Ballast Board were complied with. He was ready to admit that circumstances now were very different from those that existed when the steamer was withdrawn, because there were more lights and more extensive duties to be performed; but the House would feel that it would not be right in him to overrule the decision of a former President of the Board of Trade, and grant the use of a steamer which had been withdrawn, on the eve of the Report that was about to be made by the Commission on the general question. He must content himself with saying that at that time no decision had been taken, but he did not deny that a strong case had been made. They must however postpone their decision until they received the Report of the Commission.

MR. BRADY said, he did not think the right hon. Gentleman's reply satisfactory. The Ballast Board had built a steamer at a cost of £20,000, suitable to the work of inspection. That steamer, however, had been taken from them by the late Government, and sold for £8,000, but was shortly afterwards re-sold for £20,000. If this was economical management he was at a loss to understand what was economy.

FINAL REDUCTION OF THE WINE DUTIES.—QUESTION.

LORD HENRY THYNNE said, he rose to ask Mr. Chancellor of the Exchequer, Whether there is any foundation for the report that the final reduction of the Wine Duties is to take effect in August or September, or whether he intends to adhere to his original proposal that such reduction shall take effect on the 1st day of January, 1861? Such a rumour had become current, and was producing an injurious effect upon the trade.

VENTILATION OF THE NATIONAL GALLERY.—QUESTION.

LORD WILLIAM GRAHAM said, that it appeared from a recent report on the polluted atmosphere of our public galleries and museums that the air of the National Gallery was more deleterious, noxious, and pestiferous than that of a common privy. And perhaps hon. Members would be surprised though not delighted to hear that the next public building in the order of atmospheric impurity was the House of Commons. There was no chance this year, and very little next year, that the money would be voted by Parliament for building a new National Gallery. He would, therefore beg to ask Mr. Chancellor of the Exchequer, Whether any steps have been taken, or are about to be taken, to improve the ventilations of the National Gallery, and to remove a vitiated atmosphere, which must be very injurious to the fine pictures in the national collection?

THE CHANCELLOR OF THE EXCHEQUER said, that before he gave any answer to the two last Questions which had been put to him, he would first advert to the Question which had been asked some two hours before by the hon. Member (Mr. Hennessy) on the subject of a gentleman connected with the Customs department. He begged to thank the hon. Gentleman for his courtesy in intimating to him privately his intention to put this question. In the question was involved three separate inquiries with respect to Mr. Ogilvie, who had been selected, together with another gentleman attached to the Board of Trade, to assist Mr. Cobden in the application of the principles laid down in the commercial treaty to the principles of the French tariff. The hon. Gentleman asked first, whether Mr. Ogilvie was the officer of that name who a few years ago was engaged under the direction of the present Chairman of the Board of Customs in getting up certain prosecutions, on the alleged ground of fraud, upon the dock companies of the port of London. In answer to that he had to say that those prosecutions were not accurately described, because, although they were prosecutions carried on by the Board of Customs, yet, as the hon. Member no doubt was aware, for all such proceedings the Executive Government, the

advisers of the Crown, and particularly the Minister of Finance of the day, were properly responsible. As he understood, it was not Mr. Ogilvie's duty nor was he permitted by his superiors to take any share in the preparation of materials connected with those prosecutions.

The second Question, of course, referred to that portion of the British tariff which contained lists of duties of manufactured goods a large portion of which were now levied by specific rates. Many of these duties were introduced into the British tariff not many years ago, in 1845 or 1853; and Mr. Ogilvie, then an officer of the Board of Customs, on account of his great activity, intelligence, and experience in business, and also the confidence which his superiors reposed in him, was largely employed in the conversion of certain *ad valorem* duties into specific rates, and his efforts were as satisfactory as the nature of the case would permit, and they were so deemed by the commercial community at large. Thirdly, the hon. Gentleman asked whether there was any objection to lay upon the table any reports of statements made on former occasions by Mr. Ogilvie to the Board of Customs, or to any person connected with the Government, in opposition to the abolition or reduction of the wine duties. He (the Chancellor of the Exchequer) had to state that there was no paper in existence which answered to the description of a report made by Mr. Ogilvie to the Board of Customs or Government. Upon first making inquiry on this point the memory of the parties connected with the Board of Customs did not serve them in the matter; but after reflection they recollected a memorandum from Mr. Ogilvie relating to the vine disease, and to which, possibly, the question might refer. With reference, however, to memoranda of that description, passing between one member of a department and another, it would be quite contrary to usage, would be attended with great inconvenience, and might prevent confidential communications in future, if a practice were adopted of producing them for the information of the House. Of course he drew a broad distinction between such memoranda and those reports which were occasionally prepared by direction of superior officers, which constituted formal documents, and were, in many cases, fit to be produced for the information of Parliament.

With regard to the question put to him by the noble Lord, the Member for Wiltshire (Lord H. Thynne), he had only to say that a report to the effect the noble Lord had described (and he had no doubt there was such a report) was highly injurious and inconvenient with reference to trade. There was no foundation for any report of the kind. In point of fact, Her Majesty's Government could have no adequate experience of the probable working of the new system of wine duties. That experience could not even begin until the House should have passed some legislative measure for altering the present system with regard to the sale of wine, and the intention that had been apparently imputed to Her Majesty's Government did not exist.

With regard to the question of the noble Lord (Lord W. Graham), as to the National Gallery, it had not been brought under his notice that the state of the atmosphere was so very unsatisfactory as would appear from the nature of the comparison to which the noble Lord had found it necessary to resort. He had made inquiry of the authorities, and the answer he had obtained was that the National Gallery was at present provided with no means of ventilation except by opening the windows. If the present building were to be considered as of a permanent character it would be desirable that some other method of ventilation should be adopted. Experiments in ventilation, however, as the House well knew, were very costly, and in order to introduce them it would be necessary to make considerable alterations, which ought not to be lightly undertaken. If, however, alterations should take place which would permit of improved ventilating arrangements being made, a better ventilation ought to be secured. Plans were under the consideration of the Government, of the adoption of which he could, however, give no pledge, which would render it practicable greatly to improve the ventilation of the National Gallery.

PURIFICATION OF THE SERPENTINE.

QUESTION.

MR. JOSEPH LOCKE said, he rose to put the question of which he had given notice, relative to the purification of the Serpentine. He might remind the House that last year a number of schemes for the purification of the Serpentine were not only brought before the House, but were discussed by the public prints. One plan was brought forward by the late lamented First Commissioner of Works, and was strongly recommended by him on the ground that

for a sum of £17,000 the purification of the Serpentine could be effected. That scheme, however, met with very considerable opposition upon the Ministerial side of the House, and from none more than from his hon. Friends the Members for Westminster and Coventry. At the same time, that plan had the recommendation of his hon. Friend (Sir S. M. Peto) and his ever-to-be-lamented friend the late Robert Stephenson. Notwithstanding that recommendation, a discussion and a division took place, when the scheme of Mr. Fitz-Roy was adopted by a large majority. After the death of Mr. FitzRoy, however, when the works were in operation, when the plans were being carried out and all the contracts were made, the question was again agitated, and the right hon. Gentleman who so worthily occupied the post of First Commissioner of Works was induced to take a different view, and consent to the re-opening of the matter. Another Committee was appointed to reconsider the best mode of purifying the Serpentine, and their Report now lay on the table. That Report recommended the abandonment of the scheme which the House had already sanctioned last year, although it was fair to state that in some cases the Resolutions of the Committee were only affirmed by a small majority. In some instances, indeed, the Resolutions were only carried by the casting voice of the First Commissioner, and the House must, therefore, not be led to suppose that there was anything like unanimity in the vote to which the Committee had come. He was prepared to contend, indeed, that their recommendation ought to carry no weight at all, and he would state the grounds upon which he had formed that opinion. The Committee recommended the House to abandon works which had been carried out up to this time at an outlay of £14,000 out of a total expenditure of £17,000. The hon. Baronet (Sir J. Shelley) said he did not believe that £14,000 had been expended, and he had moved for a Return of the sums paid to the contractor, in which he found that only £5,000 had been actually paid. From that he assumed that £5,000 was all the loss the country would sustain from the abandonment of Mr. Hawksley's scheme. But that very Return showed that there remained a sum of £11,850 out of the Vote of £17,000 applicable to the settlement of accounts not yet rendered, and for which the work was now in progress. Those accounts not delivered made up the difference between the £5,000 and the £14,000. There were also other unpaid items that did not appear in the Return, and among them the cost of the steam-engine, which had been executed, but was not yet put up. The Return was therefore of no value whatever as a criterion of the loss that would be entailed on the country from the abandonment of the scheme. What course did the Chief Commissioner of Works intend to adopt? One Minister last year submitted a scheme involving an outlay of £17,000, which that House deliberately sanctioned; and no sooner had £14,000 been spent upon it than another head of the same department came forward, at the instigation of the indefatigable Member for Westminster, and wholly upset the arrangement. Whatever might be the opinion of that House on the subject, if the public money was to be squandered in that fashion, people out of doors would conclude that those in whose hands such business was placed were incompetent to discharge their duty. He would conclude by asking the First Commissioner of Works, what steps he has taken, or is about to take, in regard to the Report of the Committee on the purification of the Serpentine?

MR. BENTINCK said, he could not but think that the time had come when the House should open its eyes a little more to cases of this nature. This was a specimen of the mode of Metropolitan jobs which were to be paid for out of the public purse; and the result was that there had been £14,000 fooled away for nothing. The question was not so much who was to blame in this affair as whether the House should continue to sanction such demands as this upon the public purse. It was an expenditure which should have been defrayed out of a Metropolitan rate, and he could only designate the transaction as a wilful plunder of the pockets of the people at large. He hoped that the House would in future refuse any applications for public money to be applied to purely local Metropolitan objects.

MR. COWPER said, the best mode of purifying the Serpentine had been under consideration for a good many years. Last year a plan for effecting it, altogether novel in its nature, was brought forward, which by its ingenuity captivated many persons. It had been generally supposed that what it was necessary to do with the Serpentine was to clear out the filth and pour in fresh water. The new plan was, instead of clearing the bottom of the lake and adding fresh

water, to pass the water through a series of filters. When he came to consider that project officially he shared the prevailing opinion among professional men and the public at large, that, however ingenious it might be, the plan of last year would not prove satisfactory. Still, the scheme having been stated to the House when the Vote was granted, he thought it respectful to the House that before any alteration was made in it they should have an opportunity of reconsidering the objections to the scheme, and the best mode of doing so was by a Select Committee. A Select Committee was appointed and fairly constituted; and, although their Report was very far from unanimous, yet they recommended, as the right mode of dealing with the Serpentine, that the foulness at the bottom of the lake should be got rid of, and a clear and hard bed substituted for it. They further reported that it was desirable to abandon the process of filtration, and seek the best available supply of fresh water to fill the lake. He had acted upon both of those recommendations. He, in the first place, had consulted Mr. Simpson with respect to the removal of the special source of foulness and the securing a sufficient supply of pure water. He had selected Mr. Simpson not only for his eminence in his profession as a hydraulic engineer, but because his long experience and special acquaintance with the Serpentine and the parts contiguous gave him a more intimate knowledge of the subject than any one else possessed. He next considered how the works already executed or contracted for might be turned to the best account, and how the sum voted last year might still be most usefully and economically employed. The plan of filtration had this great defect—that, instead of reaching the origin of the mischief, it tended to cure only one of the symptoms. It could not be successful, because the water when filtered would be liable to become as bad as ever, it being well known that the vegetable growth which Mr. Hawksley sought to remove returned after filtration with redoubled activity. In its anxiety for economy, the House had been led to adopt a scheme which would in the end prove the more costly. He had, therefore, announced to Mr. Hawksley that the system of filtration must be abandoned, and had asked that gentleman's opinion as to the possibility of obtaining a sufficient supply of pure water from a deep well in the vicinity of the head of the lake. Mr. Hawksley reported that they might procure a daily supply of half a million gallons of a very pure description from a well sunk in the tertiary and chalk formation. If the money intended for providing a filtering medium was devoted to the sinking of a well instead, they would attain the object they desired of having a pure lake, without the necessity of removing the work already completed. The engine that was to have been used in carrying out the filtration would hereafter be employed in pumping the water out of the well. It would also draw the water from the bottom of the Serpentine through the conduit to the top, to the extent of perhaps 2,000,000 gallons a day, thus establishing the most desirable thing of all—a perpetual current from one end of the lake to the other. Motion was more likely to secure the purity of the water than any chemical process; and a perpetual current would prevent the vegetable growth which had been so much complained of. The engine would at the same time provide a large cascade, and throw the water up a considerable height. Hon. Gentlemen opposite who objected so much to ornament should remember that this would tend to aërate the water and thereby make it purer. There would be likewise a very ornamental arrangement at the head of the like. When, therefore, the removal of the mud was effected they would, he believed, have a lake of water in a condition that would give rise to no further complaint. He might also mention that they would have a jet of water in the centre of the basin in front of Kensington Gardens. He was glad to be able to relieve hon. Members from the apprehension that the money which had been already expended on the Serpentine would be entirely wasted. By the modifications which he intended to introduce into the plan the outlay which had taken place would be turned to a satisfactory account. In reply to the observation that Metropolitan works of this kind ought to be paid for out of local rates, he need only say that hitherto these Parks had always been considered Royal Parks, and their maintenance, consequently, a proper application of the national money. These parks were not exclusively enjoyed by the inhabitants of London. They were Metropolitan, in the sense that they belonged to the Metropolis of the United Kingdom. He believed every Englishman to be proud of his Metropolis; and, although he was sorry to say he did not think it was quite worthy of the nation in many respects, he

hoped the constituents of the hon. Member for Norfolk would not grudge aiding to make it somewhat more so.

Sir JOHN SHELLEY said, he would beg to remind his hon. Friend (Mr. Joseph Locke) that it was by no fault of his that the money had been, to use the phrase of the hon. Member, fooled away. He did his best to persuade the House that the filtration scheme was purely visionary, and he had even divided against his late lamented Friend, Mr. FitzRoy, on the question. His hon. Friend, who had asked the question, said the House decided by a large majority; but the fact was, that the plan never was before the House. There were only two Members who knew any thing about it—the hon. Baronet the Member for Finsbury, and the late Mr. Robert Stephenson; and, however Mr. Stephenson's opinion might be deferred to upon other questions, yet upon that subject it became of somewhat less value, owing to his own statement that he never was able to ascertain whether anything was the matter with the Serpentine at all. The Chief Commissioner of Works had stated how evenly the Committee were divided; but he (Sir John Shelley) believed that if it had not been for the bold assertion of Mr. Hawksley himself that £14,000 had been actually expended, there would have been no difficulty in getting the Committee to take the course which they ultimately did take, and which he humbly thought had met with unanimous approval out of doors. Probably he should be told he had no right to give an opinion in opposition to Mr. Hawksley; but, having ventured once before to do so, and having found that he was not so far wrong, he would now say that he thought his right hon. Friend was likely to be misled by Mr. Hawksley in what he was going to carry out. He understood from the right hon. Gentleman that the plan which was now to be adopted, was to dig a well at the head of the Serpentine into the chalk-pit; but from inquiries which he (Sir John Shelley) had made, he believed that plan would be a failure. He would quote Mr. Hawksley against himself on this matter. He (Sir John Shelley) had asked Mr. Hawksley whether he thought that any scheme for obtaining a supply of fresh water was possible; and his answer was, "As to possibility, I will not say; for it is possible that you may go to the higher region of the Thames, or to the lower region of the Colne, and get a fresh supply; but within the ordinary limits of expense, it is quite impossible. You might get water to a limited extent by sinking a well, but to only a very limited extent; and the expense would be great in proportion to the quantity of water obtained." Looking at the matter in a pounds, shillings, and pence view, he believed it would be foolish to go to the expense of digging a well at the upper end of the Serpentine, when they had already one in Duck Island, capable of supplying as much water as could reasonably be required. He had also a great objection to putting up a kind of pagoda at the end of the Serpentine, in which the chimney and the engine were to be; and, unless great care was taken, and great taste shown, it would end in having a sort of tea-garden and summer-house there, very unworthy of the position in which they were placed. With regard to the question of public money being spent on the parks, he felt satisfied that if the House would give the Metropolis power to manage its own affairs, it would be perfectly ready to take charge of the parks.

Mr. BLACKBURN said, that as one of the Committee which had sat on this subject, the fact was that the £17,000 had been voted by the House for purifying the Serpentine by filtration, and, though most of the money had been spent, there was nothing for it but a well and a pump. The right hon. Gentleman was by no means clear as to the figures, for he had not "condescended to particulars." He had not told the House whether the money which had been voted would cover all the expense of the new plan, or whether a further sum would be required; but they had got this distinctly, that the sum voted for filtering the water was not to be applied to that purpose. He quite agreed with the hon. Member for Norfolk in looking with great suspicion on the theory that the whole country was to be taxed for the beautifying of the Metropolis. It was an extraordinary deduction from the meaning of the word "Metropolis," to infer that, because it meant a city in the centre, all the rest of the country was to pay its expenses. Let them make the Serpentine wholesome if it were unwholesome, although he had no reason to suppose it was from any evidence brought out; but he objected to the country being called on to provide a skating and swimming place for the Metropolis.

Viscount PALMERSTON said, he wished to say a word in vindication of his late friend, Mr. FitzRoy. The ground upon

which that Gentleman adopted the plan of filtration was this. The plan first suggested was to deal with the Serpentine in the same manner as the lake in St. James's Park, to drain off the water and expose the bottom, which was then, by the application of lime and by other processes, to be hardened and made of an uniform depth. The expense which that operation would entail was calculated at something like £60,000. Mr. FizRoy, however, was led to believe that the scheme of filtration would so far accomplish the end in view, as to put the water of the Serpentine in a sufficient state of purity, while it would cost only £16,000. Placing confidence in the opinion of Mr. Hawksley and men of skill in matters of that sort, he therefore chose the scheme which involved the smaller outlay.

LORD JOHN MANNERS said, he would beg to put the noble Lord right. He stated that the expense of the scheme which had been proposed by the late Government for purifying the Serpentine was between £50,000 and £60,000, but it was only £32,000 instead of £60,000. The question which the present Government had to consider was, whether the Serpentine should be put into a satisfactory condition by the scheme, which on the part of the late Government he had submitted to Parliament, or whether they should adopt the new-fangled and extraordinary one of filtration which was found when it came to be examined by the Select Committee to be one that would not really hold water; and the moral he would draw from the very unsatisfactory state of affairs in relation to the Serpentine was this—that a new Government on coming into office should not be in such a violent hurry to alter plans simply because they had been sanctioned by their predecessors. At all events, they ought to be guided by something like common sense, and have some better justification for their conduct than had been adduced on this occasion. The Government of the noble Lord was a great sinner in this respect; and great public inconvenience and waste of public money must be the result of such a system. In the present instance some £10,000 or £12,000 had been expended on works which the Committee proposed to stop; that money was more or less wasted, and, in all probability, the thing would end in the adoption of some scheme like that adopted by the late Government, which had been abandoned without notice to any party on some hasty intimation given at 4 o'clock at a morning sitting. He had not the slightest notion of the grounds on which the noble Lord chose to subvert the plans and arrangements sanctioned by the late Government.

Motion *agreed to.*

House at rising to adjourn till Monday next.

FIRE INSURANCES.—LEAVE.

MR. H. B. SHERIDAN said, he rose to move for leave to bring in a Bill to amend the law relating to the duty now chargeable on Fire Insurances. His reason for taking up the question, which he regarded as one of very considerable importance, was that Government required some pressure from without to stimulate their exertions for the removal of taxes of this description. He could not but express his regret at the deserted state of the House on a question of so much importance. Indeed, he had been informed that it was the intention to endeavour to count out the House. When the Motion was made that Government should take Thursdays instead of Fridays, it was said that that change would be made the medium of some such proceeding. He hoped, however, such a proposition was far from the intention of the right hon. Gentleman who conducted the business of the House. A question which affected every house in Great Britain was not a question which ought to be treated with such levity. There was a good deal of agitation in the country with reference to the fire insurance duty. A society had been organized for its total repeal. That society embraced some of the most illustrious Members of that House, and a long list of the most respectable commercial firms in the kingdom. Not only was their object the total repeal of the duty; they said, unless Parliament consented to some wholesome alteration of the present system, they would move that House and agitate the country for the reimposition of the tax which had been taken off farm stock and agricultural produce; but the object which he had in view was different. He did not seek a total repeal of the duty, but by a more gradual and temperate method so to reduce the duty as to popularize it if possible, and thus rather to increase than diminish the public revenue. He proposed so to alter the fire duty, that in all cases where the premiums charged on insurances against fire

did not exceed 5*s.* per cent, the duty to be charged should be reduced from 3*s.* to 1*s.* The effect of that reduction he believed would be to increase the public revenue; and the alteration he proposed should take effect from the end of the present financial year. The income from fire insurance duty amounted to £1,300,000,—a large sum indeed, but not much more than the paper duty, which was treated so lightly not long ago, and which certainly did not affect the public interests so intimately as that they were now discussing. The effect of his proposal would be to deal with only one-third of the revenue under this head. Insurances, charged more than 5*s.* per cent were hazardous, and from that point they went up to 21*s.* and 42*s.* per cent, and in a case of extreme risk at Norwich, he had known 26 guineas per cent paid. With that class of Insurances he did not propose to deal. The owner of a theatre or a cotton mill worth £50,000 who paid 21*s.* for insurance was not deterred from covering himself against risk, by having to pay 3*s.* per cent more as duty. The 3*s.* would still be charged on all insurances where the risk was represented by more than 5*s.* per cent, and thus one-half the present revenue would be retained. He proposed on other Insurances to reduce the duty from 3*s.* to 1*s.* per cent, which would cause a deficiency of £430,000 in the revenue, assuming it to be £1,300,000 a year. That sum of £430,000 was just the amount which stopped the whole progress of insurance in this country. The question was, could the revenue which he proposed to deal with be increased by the alteration? He maintained that there was more than a fair probability, nay, it amounted to almost a certainty, that before the end of the financial year they would more than make up any deficiency which might be caused. In 1815, when the duty was increased to 3*s.*, there was a diminution of Insurances in the two succeeding years to the amount of £7,000,000. In 1835 farming stock was exempted, and the amount of farming stock insured, which was then £37,250,000, was, in 1855, £62,250,000. In 1846 the National property was estimated at £4,000,000,000, of which one-half was insurable. He took the increase of insurable property, in consequence of the gold discoveries and the vast increase of commercial operations, at £500,000,000. He added the value of ships and cargoes, estimated at £500,000,000, and the total insurable property was then £3,000,000,000.

Mr. H. B. Sheridan

But the amount of property actually insured, according to the last accounts, was £900,000,000, and he contended that the £2,100,000,000 uninsured was just the property which ought to be insured, and would be insured if this stringent impost were relaxed. The man who had a hazardous mill, or gunpowder in his house, or who was manufacturing gutta percha, insured his property, but the man who lived in an expensive private house, usually said to himself, "So and so lived here before me; the house stood long enough; there is no chance of its being burned." The owners of such houses, however, were not so well acquainted with the doctrines of probabilities as actuaries were, one of whose canons was, "That whatever has happened may again happen." They naturally said; "If we insure our houses, we must pay 200 per cent for taking care of our own property." Indeed, the Government gave them a bonus for not insuring. The Government said to them in effect, "If you take care of your property we shall charge you 3*s.* per cent for doing so." In his own case he found, that while it would cost him £7 10*s.* to insure his property, the Government wanted to charge him £15 for the privilege of being allowed to do so. The result was that he had kept his money in his pocket for a long series of years; and on the whole he felt indebted to the Government for thus forcing him to be his own insurer. Many persons, however were not able to bear the loss which might at any time occur, and therefore it was the duty of the Legislature to encourage Insurance and remove the obstacles which at present existed to the proper exercise of prudent protection. Another point to which he wished to direct the attention of the House was the fact that the amount insured in this country had not increased in the same proportion as the national property, for while in 1835 £500,000,000 of value had been insured, in 1855, notwithstanding that the country had in the meantime made enormous progress in wealth, the amount insured was only £800,000,000. Comparing the position of France with that of England in relation to the subject, he might state that whereas in the latter, after 180 years of experience in the system of Fire Insurances, only £900,000,000, of property was insured, in the former after 38 years the amount reached £1,800,000,000 worth —a sum contrasted with which all the fire insurances of which we could boast sank

into insignificance. But it was not by France only that we were surpassed in that respect. Russia, Germany, and Holland, were doing better than England in the same direction. The reason was obvious. We had so fettered the progress of Insurance that we rendered it difficult for any one to make up his mind to undergo the ordeal. France with a wiser spirit said, "We will not impose any restrictions on the prudence of our citizens, but will encourage them in every way to effect so excellent an object." The Government of France imposed only a small policy stamp on fire insurances, while we, in addition to a policy stamp, imposed a duty of 3*s.* per cent. He might, in order to show the different results which were produced as a consequence of the different systems adopted in both countries, state, on the authority of a pamphlet entitled *The Progress of Fire Insurances*, written by Mr. S. Browne, a Fellow of the Statistical Society — that while the total amount insured in the largest English office — the Sun, which had been established in 1701 — exceeded, in 1855, £140,442,000, exclusive of foreign and re-insurances, the insurances in the National in France, which had been established only in 1820, amounted to upwards of £203,000,000. That fact served, in his opinion, conclusively to prove that these insurances, relieved from the trammels by which they were in this country surrounded, would rapidly increase. He might add that a custom prevailed in France of insuring, under the head of *risque locatif*, the property of one's neighbours, the damage done to which, either by the fire or the water employed in extinguishing it, the person in whose house the fire originated was liable to make good. The smallness of the amount charged for the stamp, which was hardly appreciable, and the smallness of the duty, enabled persons to insure against contingencies of that kind, and the consequence was, that property was often insured three or four times over. Again, in France there was another system of insurance to meet the liability which railway companies incurred in cases of injury done to the goods of others within a certain distance of their respective lines. That, too, furnished a fruitful source of insurance. Even in this country, according to the common law, a man was responsible for the damage which might be occasioned to his neighbour's goods in consequence of a fire upon his premises. He was at a loss to understand why the Government did not turn their attention to this question. It was a well-known fact that persons were in the habit of insuring only a part of their property. A sad instance of that had recently occurred in connection with a valuable institution, known as the Sailors' Home at Liverpool, which was recently destroyed by fire. The amount for which the property was insured was £10,000, whereas the value was £30,000, the managers not daring to trust themselves to insure for the whole amount, in consequence of the heavy tax on their income which the Government duty imposed. The French were so satisfied of the mistake England had made in the matter of insurance that, desiring to take advantage of it, a French insurance office was established in London. It took risks at 1*s.* per cent, and would have been able to take them for less, had it continued. But the House of Commons putting an end to the enterprise by an Act of Parliament, showed the people of this country that they would neither encourage them to insure nor allow any one else to do so. He had assumed that hon. Members understood the system of fire insurance; but to illustrate the working of the tax he would suppose all the Members of the House of Commons formed into a "mutual" insurance company, in which each contributed to found a company for securing insurance to each to the amount of £1,000. Suppose a loss to occur, then the sum of £1,000 would be paid to the sufferer, and the Government would take £2,000. But this did not measure the extent of gain by the Government unless the amount of the profits of the insurance companies was considered. They were comparatively few in number, and the Government duty had contracted their operations. Many of the new companies, though they were making from £60,000 to £70,000 a year, failed, in consequence of the limited area of their operations. The losses of French companies were hardly 35 per cent; in England it was a rare case for an office to escape with less than 60 or 70 per cent loss. Russia, Spain, Germany, countries of which they were in the habit of speaking with something like contempt, all excelled England in the extent of their fire insurances. Such risks as those of Barcelona or Seville were among the best an English office could take. Before the establishment of the fire insurance system the loss of a house, manufactory, or stock in trade, was met by an appeal to the community at large — *ad*

misericordiam That was the old custom, and from custom it became law; and then compensation was demanded as a right. From 1690 to 1696 the first risks were taken at £4 per cent for brick dwellings, and £6 per cent if built of timber. At the present day he did not think they were much more enlightened on the subject than when the old Common Council had the first six policies of insurance stamped before it, with all sorts of solemn forms. So utterly neglectful had the Legislature been of the whole principle of insurance that there was some danger, as property increased, of there not being means enough to insure it. But, if they relaxed the duty, it would enable the English offices to reinsure their risks in foreign offices. But none would take risks to reinsure if they were clogged with a duty. In cases where insurances had not been effected and fires took place, persons were for the most part deprived of whatever property they possessed, and the result unquestionably was to add to the poor rates, and to increase emigration among the industrious classes, thereby violating the first principles of political economy. What were the grounds on which the Government, he understood, were to resist the proposal which he had ventured to make? If they rested their decision on the statements contained in the Report of Mr. Coode, a reference to the journals of the Statistical Society would show that the most important portion of his financial reflections were long since shown to be fallacies. That Gentleman did not put forward a single argument, but proceeded on the assumption that everybody ought to pay the tax, that tradesmen in particular were bound to do so, and that nobody had a right to grumble. If, on the other hand, it were alleged that the Bill which he introduced would disturb the financial arrangements of the year, and interfere with some of the details of that measure which had been drawn up with so much care, and brought before the House in so elaborate and masterly a manner, then he would have a complete answer to the position taken up by Government—namely, that the Bill was not intended to to pass into law until April, 1861, which would be at the end of the present financial year. Six months, at least, must be occupied in passing the Bill through both Houses, and a slight additional delay would make no perceptible difference where the injustice complained of was of such long standing. He had shown that this was not a proposition which need alarm the House on financial grounds. The amount with which he proposed to deal was £430,000, while there were £2,000,000,000 of insurable property to supply what the right hon. Gentleman the Chancellor of the Exchequer had called "the chasm;" and there was no doubt that if the impost were removed this deficit would be replaced with a rapidity which would be most remarkable if the House were not already familiar with such experiments. This was the true Peel policy—the reduction of duties which replaced themselves—a policy with which the Chancellor of the Exchequer was well acquainted, and the merits of which the House had enjoyed opportunities of appreciating. It was the same policy which had dictated, at first with great caution and timidity, the reduction of the postal duties, from which step such vast advantages had followed; and he ventured to say that if the House agreed to the reduction of the insurance duties from 3*s.* to 1*s.* an effect by no means dissimilar would be produced. But if the answer given to his Motion were that they could not promise to make the alteration in April, 1861, knowing in their hearts that they had no intention of making it at all, and hoping that something might happen which would prevent the question from being again brought forward, it would be well that the House and the country should understand one another. The House would then be detected in the appropriation of money belonging to another, and would be legislating from party motives, and not in accordance with general interests. Property by means of this duty had shifted its share of the burdens of the State on to the commercial and trading interests, and imposed a tax of 3*s.* per cent on insurable property, at the same time that one description of insurable property—namely, farming stock—had altogether escaped. So far back as 1836 hon. Members had availed themselves of their position as the governing class to relieve themselves and the farmers who looked up to them, from liability to the duty. ["No!"] Hon. Gentlemen said "No;" but this tax was either one on property or it was not. If it were not a tax on property it was one on prudence, forethought, and precaution; in fact, it was a tax on virtue. England was the first nation which had the presumption to inscribe on its fiscal banners—"Here we tax prudence, thoughtfulness, and virtue." If a tradesman went to an office to insure his stock in trade to the amount of

£8,000, though that property had already paid property-tax, he would have to pay a shilling stamp on the policy, and 3*s.* per cent on the amount insured. If 200 workmen went to insure their tools by which they gained their living, and which might all be risked by the conflagration of one factory, as well as their furniture to the same amount of £8,000—£40 each—the Government would charge them £10 in policy stamps, and the 3*s.* per cent. If a farmer went to insure the same amount he would pay the shilling stamp; but the influence of his friends in the House of Commons was powerful enough to get him excused the 3*s.* per cent. A rich man insuring his house and furniture for £8,000—where the 200 working men paid £10 in stamps—would have to pay but 1*s.* and the same 3*s.* per cent. A great deal had been said during the present Session about legislating for the benefit of the working man, particularly in regard to financial matters; but it was difficult to see how it had been carried out. The duties on tea and sugar, articles consumed by the working man, were left untouched; but the duties on game certificates, silks, and wine had been reduced, and the paper duty abolished, though at present working men were so blind as not to see any particular advantage to them in these reductions. As to the stipulation with regard to coals in the Commercial Treaty, they looked on it with positive alarm, fearing that the increased demand from France might raise the price of fuel even higher than it had stood during the late long winter. In fact, Parliament had, as yet, done nothing for the working classes, but if they would pass a Bill such as that he was now asking leave to introduce, which would allow the working classes to insure their tools and their furniture without being charged 400 per cent duties, they would then have done something of which they might be proud. Lest it should be thought that he was propounding a scheme the mere creation of his own fancy, he would state that the reduction of the duty by one-third, or even one-half, had been ably advocated by *The Builder*, and not very long ago *The Times* had given a magnificent article against the duty, which had attracted much attention. M'Culloch and other authorities also were in favour of the reduction of the duty, which was 900 per cent on the profits of insurance companies, to one-third of its present amount. Hon. Members who voted against this Bill would have to explain that vote to their constituents; and if the Bill were rejected there must then be a re-distribution of this tax in an equitable manner, and a universal tax at the rate of 1*s.* per cent on all insurable property. That would produce £2,000,000 a year. The Chancellor of the Exchequer had in his eloquent speech on the introduction of the Budget, stated that a deficiency in the revenue did not constitute a reason why there should be no no relaxation from oppressive taxation. He would conclude by moving for leave to bring in a Bill to amend the law relating to the duty now chargeable on fire insurances.

MR. EDWIN JAMES seconded the Motion.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Member who has moved for leave to bring in a Bill to reduce the duty upon fire insurances complained more than once in the course of his speech of empty benches, and threatened all absentees—some of whom, who now appear in their places, will be interested in knowing what was said at the time of their default—with the most serious consequences when they come to face their constituents at the next election. In fact, the hon. Gentleman sometimes appealing to landed sympathies, sometimes to trading affections, sometimes seeking favour by attacks upon the Budget, sometimes glancing at the peril in which the farmer's exemption will be placed if this tax be not reduced, played most skilfully on all the prejudices and interests by which the human mind can be swayed. My case however is of a much simpler character, and when the hon. Gentleman talks of the indifference of the House upon what, in exaggerated terms, he calls this all-important subject, I must venture to remind him that it is the habit of the House to judge of questions, and the necessity of attending to them, not simply by their abstract magnitude and importance, but likewise and mainly by the circumstances under which they are submitted to its notice. That, in fact, so far as I am concerned, is the whole case which I have to submit. I do not intend to enter into the question whether a reduction or alteration of the duty upon fire insurances might or might not be a very proper subject for the House to entertain at a period when the state of the national finances presented you with a disposable surplus, or when you were prepared to say, "I think the evil of this tax is so great that I am prepared to repeal it and to provide in lieu of it a substitute,

which I now point out." In either of these cases, I apprehend, it would be perfectly legitimate to approach the consideration of the reduction of the tax. But neither of these is the case before us. The hon. Gentleman does not say, "I propose a substitute for the tax I am going to take away." What he proposes is to introduce a change into the law, which, according to the account he gives of it, will have for its first effect to cause a loss of £430,000 a year to the public revenue. My answer is, that when we compare the Revenue of the country with the demands upon it, the House is not in a condition with propriety and with prudence to entertain the demand. Let him reserve it until he has a Revenue to give away, or until he has some tax wherewith to replace the duty he wishes us to reduce. But, of course, I do not mean to beg the question. The hon. Member has the courage to say that if we only repeal the duty the result will be an increase in the Revenue. But when will the increase manifest itself? If it is to be contemporaneous with the reduction of the duty, then undoubtedly the fact that it appears *primâ facie* to cause a loss forms no objection to the Motion of the hon. Gentleman. But that is the exact question at issue, and the instance he quoted with great triumph is by no means favourable to his case. Reduced duties, he says, are always followed by an increase of revenue. That has been undoubtedly true in many cases, but nothing can be more absurd than the indiscriminate application of the idea, as if it were a dogma fixed and unchangeable in its nature, instead of being a political proposition which, discreetly applied, has been of the utmost advantage to the country; but which, rashly and unwisely applied, will destroy public credit, and throw the public finances into confusion. What is the instance furnished by the hon. Member as a case in point? He reminds us of the effect of reduced postal dues. Now, I never can hear that reduction mentioned without recording my unhesitating testimony to the enormous advantage which it has bestowed upon the country. But we must not be told that the effect of the new postal duties upon the national revenue is to be the effect of the Motion of the hon. Gentleman. He has chosen it as his illustration, but what are the real facts? Why, that not one, but one-and-twenty years, have now elapsed since you reduced the charge for postage, and the net postal revenue, if it be fairly and strictly calculated, and if you deduct, as you ought to deduct, the marine postage, with which it has no business to be credited, does not amount to more than one-half the net revenue before the reduction. Do I say that that affords a reason against the new postage system? Certainly not; for the loss the revenue has sustained has been more than compensated by the advantage to the country. But the hon. Member's illustration was unfortunate in another point of view, for the House of Commons in that instance unhappily did the very thing which he is now inviting it to do; it adopted the change though it had not a revenue to give away, and consequently became involved in the series of deficiencies from year to year, which were the immediate causes of the income tax. Thus the illustration, while it entirely fails to sustain the argument of the hon. Member as to the immediate replacing of revenue once sacrificed, also furnishes to the House of Commons a warning, which is never otherwise than seasonable and advantageous, of the injurious consequence of proposing the reduction and remission of taxes, irrespective of the means at our disposal to meet the demands upon the public service. The hon. Gentleman says this is but £430,000; why make any difficulty about it? And now I am going to give hon. Gentlemen opposite the opportunity for a cheer—why make any difficulty about it, when you have been dealing lightly with the paper duty? [*Opposition cheers and laughter.*] I will not answer whether we have been dealing lightly with the paper duty; I will simply say what is sufficient for this occasion, and that is, that if we have lightly given away the paper duty, it is the greatest reason why we should not repeat the imprudence. If we have surrendered that duty, at any rate we have not done so without making provision of public revenue to supply its place. But the hon. Gentleman now proposes, after what he calls the light surrender of the paper duty, to take away £430,000 more, and makes no provision to supply its place, except, indeed, the provision which I will proceed to examine, and the promise of the hon. Gentleman that it will result in an immediate increase of the revenue. That promise is extremely alluring; but, unfortunately, he is wholly irresponsible for it; and, if I were to act upon that promise, if the House of Commons were to accede to it, and if, at the end of twelve months, we found that it had vanished into thinnest air, that we had lost our money, and left the Exchequer

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without the means for meeting the demands of the public service, could we challenge the hon. Gentleman with the failure of his prophecy? He would say, and truly say, "If the prophecy and the opinion I expressed were unsound, it was your fault to accept them." The promise of the hon. Gentleman would be no justification to the House for adopting the step he proposes. The hon. Gentleman, although his speech was copious, did not enter upon, but, on the contrary, most slightly touched, that part of the subject in which it was most material for him to be laborious and searching in his scrutiny, and most careful in his details. He told us that there is 2,000 millions of insurable property in this country which is at present uninsured. A statement more vague, more entirely in the nature of a simple individual assertion, never was submitted to the House. He has no *data*, no evidence for that statement. Undoubtedly, it is a matter of great difficulty to bring positive evidence to combat an assertion so vague and difficult to lay hold of, but I think we have some *data* for a decision upon this question. Although the hon. Member does not attach any authority to Mr. Coode, yet that gentleman is as able, hard-headed, searching an investigator as ever applied his mind to dry questions of economy. What does he tell us? He tells us that not 3,000 millions, but 1,000 millions, is the real amount of insurable property in the country. The schedules of the income tax, especially Schedule A, after examination, and due allowance being made for lands which are uninsurable, as compared with house property, do to some extent give us approximate evidence; and perhaps there is 1,000 millions or 1,200 millions, or 1,400 millions, of property in this country which can be insured; but the doctrine that 3,000 millions is the amount, is really the notion of dreamers and speculatists, rather than a serious assertion which should be submitted to a deliberative assembly. The hon. Member places at a loss of £430,000, the immediate effect of what he invites the House to do. That, again, is an opinion of the hon. Gentleman; and I only wish to say I do not intend to become responsible for it. I have no official means of knowing; the records are not framed in such a manner, owing to the mode in which the tax is levied, as would enable me to tell the House what proportion of the total insurances are effected at premiums below *5s.* The hon. Member says that one-half only of the risks are at premiums below *5s.* I cannot say that it is at much more. But the question is as to this great promised increase of revenue. The first effect, assuming his proposition only to affect one-half of the revenue from fire insurances—that is, about £650,000 or £700,000—by reducing the present rate of duty to 1*s.*, appears to be to reduce the revenue about £430,000. He says we shall have a revenue from the moiety of £220,000 or £230,000; and the question is, how is this £230,000 to replace the £430,000, which is given up; and then, when that is done, and then only, it will begin to fulfil the brilliant and cheering promise of the hon. Gentleman of an increase on the public revenue. According to that we shall have an increase of 300 per cent in insured property of the class affected by the Motion. To fulfil the promise, we must have a threefold increase in the first year. Surely, to give us the slightest shadow of hope or expectation of such a result, the hon. Gentleman ought to show, by returns or figures, how he calculates the astonishing increase which he prophecies. He has avoided that point, which is so essential upon the difference between us; for I am not arguing upon the merits of the duty, but of the necessity of having a revenue adequate to meet public charges. I say the proper time for the House to consider the removal of this duty is not the time when you have disposed of all that was at your disposal; but the proper time is when you are balancing estimates and revenue, and when you find that you have a surplus. There is, however, some evidence to which we can refer. The hon. Member says he does not take away revenue, but that he will give us more. To give us the present revenue the insured property at risks below *5s.* must be multiplied threefold, or the total quantity must be doubled within the year. Is it a fact, in the first place, that the quantity of property insured does not increase under the present duty? and, next, is it a fact that a rapid and enormous increase takes place when the duty is removed? We have the means from Mr. Coode's report of answering that question from public returns. I would call the attention of the House to a simple intelligible passage of the report. The hon. Gentleman has referred, in terms unnecessarily invidious, to the exemption which is enjoyed by farming property. But that exemption has this advantage, at least, that it enables us to bring to a test the promise of the hon. Gentleman, and to in-

form ourselves in some degree of what prospect there is of the rapid and astonishing increase which he holds out to us. I say there cannot be such an increase, because there does not exist the property to insure. Mr. Coode at page 41 of his report, says,—

"In the first year in which you have separate information of the value of farming stock insured —in the first year of the exemption—it was 37¼ millions. In 1856 it had risen to 62¼ millions, or an increase of 67 1-5th per cent in 22 years."

That is a rise of nearly 3 per cent per annum, instead of 300 per cent per annum; and that is the breakdown of the declarations of the hon. Gentleman. These are the official figures as respects the progress of the quantity of property insured in cases where there was no duty at all. But you have besides the means of comparing, from official figures, the increase that takes place in those descriptions of insured property that were subject to the duty. In 1834 there remained of property subject to the duty £483,000,000, and in 1856 that property subject to the duty had increased from £483,000,000 to £802,000,000—that is to say, it had increased in 22 years by 65 per cent. The exact difference in the rate of increase between property that paid nothing at all and property that paid 3*s.* per cent, which the hon. Gentleman calls on the House to remove, is, that the exempt property increased in 22 years 67 1-5th per cent, and the no-exempt increased 65 5-6ths per cent, and the difference between them is 1 and 1-3rd per cent, and that not in one year but spread over a period of 22 years. Thus breaks down the case of the hon. Gentleman and ends in a total and ruinous collapse. The hon. Gentleman also referred to the case of France, and stated that, whereas in England we have only insured property to the amount of £9,000,000, in France they have property insured to the amount of £18,000,000, and he went on to infer from that, that if we only adopted the rule of abolishing duties we should have a vast increase and a larger quantity of property insured than there is in France. But the different mode pursued by insurance offices abroad to that pursued by insurance offices in England has almost the effect of compelling persons abroad to insure their property up to the real value. In England, on the contrary, we know that all property insured against fire is at least two-thirds, or, at all events, very considerably short of the full value of the property. The hon. Gentleman has also said that from the structure of the houses in France, the interests of one man were more bound up in regard to questions of fire with those of his neighbour than is the case in this country; and the expression used by the hon. Gentleman was, "in France the same property is insured three or four times over." If that be so, then, he cannot argue from the operation of the French law, because in England there is no such law, and if a fire arise in the house of A, and spreads to the house of B, the losses of B will not be charged upon A. I think I have now dealt with the statement of the hon. Gentleman, so far as any argument is included in it. There is one other point which it is material I should notice. The hon. Gentleman, in his generosity to the current year, which he knows is one of heavy burthen, proposes to postpone this change, and to fix its operation to commence on the first day of the financial year 1861-62, I do not hesitate to say, if there were no other objection to the proposal of the hon. Gentleman, having regard to the circumstances in which he makes it, that that is a conclusive reason why the House should not adopt it; for there is no shabbier course, or one more calculated to deteriorate the character of Parliament than to suffer itself to be tempted and seduced into the habit of attempting to gain popularity in one year at the expense of the financial operations of another. Occasionally, it is true, such a course is adopted, from the necessity of the case; you may have a great transition to make; you may have complicated arrangements that require time for their adjustment; and in those cases it has been the practice of the House from necessity to postpone and adjourn the effect of changes that it makes, but under no other circumstances can I recollect the House to have had recourse to such a step. This is one of those duties which, if it is to be dealt with at all, ought to be dealt with at the moment the proposal is made; and if the hon. Gentleman is right in saying that the proposed reduction will increase the insured property 300-fold in a year, though the official figures show that the increase will only be about 100th part as much; if he is right in the picture he draws of the almost millennial bliss which he expects to flow into every home throughout England from the adoption of this project; granting him the whole of this enormous demand, still there is one

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fatal objection to be made to his speech—namely, that it is a speech made at ten o'clock at night on the 4th May, 1860; let him only reserve that speech and reproduce it bodily some day in February or March, 1861, and then the House of Commons will, I won't say be in a position to accede to this proposition, but, at any rate, it will be in the possession of the necessary information to enable it to judge whether or not it should accede to that proposition. The hon. Gentleman has threatened hon. Members with the vengeance of their constituents, a course of which I think they have some reason to complain if they think fit. I think it is hardly fair to put hon. Members in the position of either being obliged to vote with him in support of a proposition which is dangerous because it is ill-timed, or else appearing to record their votes against the removal of a tax the remission of which, when you have the means of making it, will be a perfectly fair question for the House to consider. For these reasons I trust the House will not accede to the Motion.

MR. MALINS said, the right hon. Gentleman had made the best speech against his own Budget he had ever heard, and he congratulated the hon. Member for Dudley (Mr. Sheridan) that he had elicited so vehement a speech against the proposition he had made, for that was the best assurance he could have that he would succeed in attaining his object next year. The right hon. Gentleman had addressed the House in the same tone of earnestness that night against the repeal of this duty that only some short time ago he (Mr. Malins) heard him address to it against the repeal of the paper duty. The right hon. Gentleman then pointed out to them all the inconveniences which would result—

THE CHANCELLOR OF THE EXCHEQUER: When was that?

MR. MALINS: He was not quite sure. It was last year or the year before.

THE CHANCELLOR OF THE EXCHEQUER: It was neither.

MR. MALINS: If the right hon. Gentleman, who was as impatient of interruptions as any man he knew—

THE CHANCELLOR OF THE EXCHEQUER: If the hon. Gentleman will allow me, I say I consider it only a matter of candour and fairness, when any hon. Gentleman is heard making a mis-statement with regard to matter of fact, to assume that it is the result of pure error, and at once to set him right.

MR. MALINS said, none would be more ready to make such an assumption than he himself; and he was about to say—but the right hon. Gentleman was so impatient—that time passed so rapidly, and as he had not armed himself from the pages of *Hansard*, he really was not able to say whether it was last year or the year before; but this at least hon. Members all knew—that this very Session the right hon. Gentleman had recanted everything he had previously said in respect to the paper duties. That being the case he (Mr. Malins) cared not whether it was one year or another that the right hon. Gentleman had used the argument, but he had used it in opposition to the repeal of the duties which he had this year proposed to repeal, although he had not repealed them yet. He (Mr. Malins) entertained a very distinct and decided opinion on the question before the House, and he could assure the right hon. Gentleman that his vote was not influenced by any fear of his constituents, who left him on that, as upon other subjects, to exercise his unbiassed judgment. In acceding to the Motion he begged to assure the right hon. Gentleman that he had no intention to embarrass him as Chancellor of the Exchequer, as he (Mr. Malins) did not deny the expediency of the proposition which the right hon. Gentleman had laid down, not to pass measures which would interfere with the revenue of the country in future years. He had no expectation or wish that any progress would be made with the Bill which the hon. Member for Dudley desired to introduce—indeed, if he obtained leave to bring in the Bill he should advise him to proceed no further with it that Session—but he intended to make the present Motion an opportunity of recording his opinion that the duty on fire insurances ought to be reduced at the earliest convenient moment. That duty was one which pressed heavily upon the public; it was most inexpedient in its nature and most unjustifiable in its amount; and the result was that almost every proprietor was under-insured. Nevertheless, he was afraid that the hon. Member for Dudley would not effect his object until he got a seat in the Cabinet, for a duty was not now repealed or reduced because it oppressed the public and embarrassed trade, but because it was disliked by a Minister of the Crown. The paper duty had never embarrassed trade, nor was it felt by the

people; but a colleague in the Cabinet had to be accommodated, and therefore an additional penny was put upon the income tax in order to repeal a duty which nobody felt. He would give this proposition his support on the principle of its being an instruction to the Chancellor of the Exchequer, should he still have the conduct of the public finances, that the tax should be taken into consideration at the earliest possible period. If the right hon. Gentleman could afford to take off the duty on wine and paper, he might fairly afford to take off the duty on fire insurance, and the result would probably be that every man would go and increase his fire duty.

MR. FRANK CROSSLEY said, the hon. and learned Gentleman who had just sat down, when he declared that the paper duty did not obstruct trade, appeared to have judged rather too much from his own profession. The meaning of the observation must have been that the paper duty did not make any great difference to the hon. and learned Gentleman, but that a penny income tax was a matter of some importance. But that did not make the allegation good that the paper duty was not a great obstruction to trade, and a tax upon knowledge. He (Mr. Crossley) was of opinion that the fire insurance duty wss one of the worst taxes which was in existence. It was enormous in amount, and in its nature became actually a tax upon forethought and prudence. But he thought that the hon. Gentleman who asked leave to bring in the Bill was about to make the injustice far more unjust still. He proposed that a risk of 4*s.* 11*d.* should pay 1*s.*, and a risk of 5*s.* should pay 3*s.* Bad as the present tax was, it contained no such injustice as that. Although he was strongly in favour of having something done in regard to the fire insurance duty, he certainly could not support such a Bill as the present. What he desired was that the Chancellor of the Exchequer, the very first time he had a surplus should take into consideration the reduction of the tax. In reducing the tax, too, all exceptions ought to be abolished. He (Mr. Crossley) did not know how it was that the farming interest came to be excepted, unless it was because of its being clogged with the corn law at the time. But now that it had got rid of that incumbrance, and that farmers had the advantage of selling their produce in the world's market for what it was worth and no more, he saw no reason whatever why they should not pay the same tax which all other classes of the community paid. Nothing could be more obvious and barefaced in its injustice than that corn and wool, and other agricultural produce, so long as they remained in the farmers' hands, should be insured without any tax, but that, when that very same corn and wool were taken from the farmyard to the manufacturers, the manufacturer must immediately pay 3*s.* per cent duty for their insurance. Such anomalies the Chancellor of the Exchequer really must abolish before long. The tax was one of the first which the Chancellor of the Exchequer ought to be called upon to reduce, but he (Mr. Crossley) could not support the present Bill, which began by creating differences and inequalities worse than those that already existed.

LORD CLAUD HAMILTON said, after the able and exhaustive speech of his hon. Friend the Member for Dudley, he did not wish to detain the House long, but he wished to make a few remarks after the speech of the Chancellor of the Exchequer. Every one must admire the unbounded skill and eloquence of that right hon. Gentleman, though they could not but be surprised at the arguments which he had that night brought forward. The right hon. Gentleman began by a most marked and signal condemnation of his own Budget and his own financial policy, and then he made copious quotations from a book that had been written at the suggestion of the right hon. Gentleman the Home Secretary when he was Chancellor of the Exchequer. The right hon. Gentleman, when he rebuked the hon. Member for Dudley for inviting them to reduce taxation on the ground that it was inopportune, asked the hon. Gentleman to repeat bodily his arguments in 1861. He in the same way would ask his right hon. Friend to repeat bodily his speech when the question of the paper duties came on for the final discussion on that subject. If it was sound policy and morality to reduce taxes on silks and light wines, which were mainly consumed by the richer classes, surely no Minister ought to refuse consideration to a proposal for reducing a tax that pressed heavily on the humbler tradesmen of the country! It would be found that in France and America artisans almost universally insured their tools and implements of trade, but in this country the power of doing so was denied them, and painful instances frequently occurred, as at the fire at Broadwood's manufactory, and Scott Russell and Co.'s works

at Millwall, in which hundreds of poor workmen lost the whole of their implements of trade. The English artisan was not less provident than the American or the French, but he encountered discouragement, and, in consequence of the amount of taxation, was deterred from availing himself of the advantages of insurance. If the House then fairly represented the interests of the working classes they ought to make the proposed alteration. The English nation was constantly called a commercial nation, and was surely one in which sound principles of trade ought to exist; and yet we had a system of taxation that positively interfered in the most arbitrary manner in preventing men from exercising their natural instinct for prudence. The system was most unjust, impolitic and immoral. If the exigencies of a State required that there should be a tax upon all property, there was a sound, intelligible, and just principle. But the tax on insurances was arbitrarily levied on persons who received from the State not the slightest advantage in return for the tax they paid. For the State did not provide engines, escapes, or any of the appliances requisite in case of fires. The insurance companies sold the securities against fire at a certain price—they had all the liability, all the responsibility, all the intellectual labour of carrying the business on; they could afford to sell that security at the price of 1*s.* 6*d.*, but the State, which did nothing, which afforded not the slightest consolation or advantage to the sufferer, stepped in and said, "For every 1*s.* 6*d.* for which you sell security, I ask 3*s.*" Was anything more monstrous or iniquitous than that? In consequence the total amount of property insured was only £800,000,000, while twice that amount was uninsured. The Chancellor of the Exchequer alluded to a more "convenient season," but, like the convenient season recorded of old, he was afraid it would never come, and that it would even be like a dissolving view. He would give the House a slight idea of the kind of witness they had in Mr. Coode, who had written a book, by the desire, he believed, of the right hon. Gentleman, the Secretary of State for the Home Department, and whose instructions evidently were more or less, if it were possible, consistently with his own feelings of truth and justice, to discourage the cry against the tax. Mr. Coode said—

"Indeed, as a question of public policy, there is reason to doubt whether a greater amount of wealth has not been destroyed and other mischief produced solely by the operation of the facilities which the system of insurance affords to fraud, the whole of which fraud and mischief would be impossible but for the opportunities afforded by the insurance offices."

After that extract he put it to the House to consider what sort of authority Mr. Coode was? His evidence, if worth anything, went to prove that the whole system of insurance was objectionable, and the fruitful source of fraud and mischief. The House could hardly be prepared to support such a paradox. He trusted that the principles proposed by the hon. Member for Dudley would receive the support of the House.

Mr. BAXTER said, he rose to ask whether his hon. Friend would accede to the suggestion of the hon. and learned Member for Wallingford (Mr. Malins), if leave was given to bring in the Bill, not proceed further with it this Session. [*Cries of* "No, no."] He entirely agreed with the hon. Member for Dudley, but he saw great difficulty in proceeding now to legislate for 1861-62. His vote would be very much guided by the answer of his hon. Friend. He should, before sitting down, congratulate the House on the accession of the hon. Member for Wallingford to the cause of abolition, because that hon. and learned Member was one of those who voted against the introduction of the Bill last year in the month of March.

Mr. MALINS explained that he did not vote against the measure referred to, but only suggested that it should be withdrawn, because it was too late in the Session for the hon. Member to hope that he could pass a Bill containing 150 clauses.

Sir MORTON PETO said, he would recommend the hon. Member not to press his Motion, but at the same time he hoped the Government would give the House a pledge that they would take the subject into their serious consideration. There was a large class of persons in the Metropolis and in the country who might by a fire lose their all, but who were deterred from insuring when the sum which they had to pay was almost in the shape of a penalty. When they looked also to the effect which the loss of his tools might have on the artisan, they must be convinced what a serious matter this was to a very large class. The question could not possibly continue in its present position, especially when a large share of the property of the country — to the amount of £80,000,000—was exempt altogether from the tax. They must either revise

the whole law on the subject, or repeal it. He would himself be quite satisfied if the duty on insurances to a limited amount, say £150, was reduced, for they would thus meet the class of cases to which he had referred. He was sure the poor would readily embrace the opportunity afforded by such a change. He trusted they would not meet to consider the financial condition of the country in another year without having this question dealt with in the manner in which it deserved. He hoped the hon. Member would not press his Motion.

MR. HADFIELD said, that as one of the oldest supporters of the abolition, he trusted the hon. Member would be satisfied with the impression he had made, and not divide the House.

MR. H. B. SHERIDAN said, that he should have been glad to have acceded to the recommendations which had been addressed to him, if he had an opportunity of adopting them. A Resolution, pledging the Government to abolish this tax as soon as possible, had, however, been shown to the occupants of the Treasury Bench, and he understood that the right hon. Gentleman the Chancellor of the Exchequer objected to fetter himself by any such pledge. That appeared to him to be a distinct declaration that the Government was not at this moment prepared to consider the repeal of this tax at all; and therefore he had no alternative but to proceed to a division.

MR. CONINGHAM said, he could not vote for his hon. Friend if the Motion were pressed to a division. It would be impossible for him to vote for a measure which the hon. Gentlemen on the Opposition benches evidently wished to be converted into an attack upon the Budget. It was not true that the Paper Duties Bill was brought in by the Chancellor of the Exchequer merely out of deference to one of his colleagues in the Cabinet. It was brought in because the House had passed a Resolution condemnatory of the paper duty. Nor was it true that the public were not interested in, and would not be benefited by the repeal of the paper duty. The working classes especially would be materially benefited by that repeal, which was one of the principles that had reconciled the public to the Budget. The repeal of the paper duty was most popular out of doors, and would confer permanent and important benefits on the country at large.

Motion made, and Question put,

"That leave be given to bring in a Bill to amend the Law relating to the Duty now chargeable on Fire Insurances."

The House *divided*:—Ayes 84, Noes 108: Majority 24.

EMBANKMENT OF THE THAMES.

COMMITTTEE MOVED FOR.

SIR JOSEPH PAXTON, in rising to move for a Select Committee on this subject, said that whoever had watched the thoroughfares of London for the last thirty years, must have remarked that they were gradually becoming impassable. It took a longer time to go from London Bridge to the Great Western Railway than from London Bridge to Brighton, or than from the Great Western Railway to Oxford. The improvement of the thoroughfares in the country had been considered so important an object that if half an hour could be saved in a journey of 500 miles, millions of money were spent to save that period of time; and yet people who lived in London and who made an engagement at the west-end could not keep it unless they gave themselves half an hour more than would be necessary if the thoroughfares were in a proper condition. Some years ago a great scheme for improving the entire communication of London was brought forward, which would have remunerated the parties who proposed it. The matter was submitted to a Committee up stairs, but it ended by being buried in a blue-book. The embankment of the Thames would give great relief to those who wished to pass from the west-end to the City. It was not a new question. In the year 1824 Sir F. Trench proposed a plan for embanking the Thames in front of Temple-gardens. A Select Committee sat, but nothing came of it. In 1842 a Royal Commission was appointed, which was presided over by Lord Lincoln, now Duke of Newcastle. They examined into the thoroughfares of London and the embankment of the Thames. They planned out ten miles of new streets, but, with the exception of Cannon Street and a few small improvements, nothing came of that Commission. In July 1844, Lord Lincoln brought in a Bill for making an embankment, but it was not discussed until the following year, when the Vice-President of the Board of Trade was asked if it was intended to carry out the embankment by a poll tax, and the answer given was that the then Government did not intend to pusue the question, and the matter again dropped. The year

1845 was remarkable for the number of railways that were then projected in all parts of the kingdom; but this subject was not taken up till 1854, when a Committee of that House was appointed to inquire into the best mode of opening the Metropolitan bridges to the public. That investigation only ended in the production of a blue-book, as did also another inquiry instituted in the year following. In 1855 the Metropolitan Board of Works was established, but it had not yet done anything with regard to the great arterial thoroughfares of London. That Board was, however, now carrying out a general system of drainage, and had in hand the construction of high-level, mid-level, and low-level sewers. If those plans were executed there would be no open communication between the west-end and the City for the space of two years; and the carrying away of materials from the tunnels for conveying the sewage would create a serious nuisance in the principal thoroughfares. The scheme of Mr. Bazalgette for taking the low-level sewer along the bank of the Thames was concurred in by the late Mr. Stephenson; but, owing to the difficulties it encountered, it was afterwards determined to take it along the Strand. It was the more important, therefore, that the subject of the embankment of the Thames should now be taken into consideration. Various plans hitherto framed for that object had been opposed by the wharfingers, but if the Committee for which he now asked were granted, it would be shown that the execution of so magnificent a Metropolitan improvement, so far from injuring, would much enhance the value of the property of the wharfingers. Morever, the railway companies now proposed to cross the Thames with their lines; and the question of the embankment of the river must be settled before those companies obtained their Bills, otherwise it could never be carried out. The population of London had increased between the years 1811 and 1851 from 1,138,000 to 2,362,000; and in 1861 it would doubtless reach close upon 3,000,000. The traffic in and out from the various railways during the year was as follows:—Great Northern, 1,500,000 persons; Great Western, 1,574,809; North-Western, 1,000,000; Eastern Counties, 2,245,600; Blackwall, from their terminus alone, 5,133,000; South-Eastern, 7,714,045; Brighton, 6,995,122; and South-Western, 4,672,789. So that the total number of persons who passed in and out of the Metropolis last year by the various termini was upwards of 30,000,000; and, although many of them travelled for only short distances, it was manifest that in going to and from the railway stations, they must enormously swell the traffic in the crowded thoroughfares of London. He believed the Select Committee would report in favour of the execution of this great work, and then would come the question of the means to be provided for that object. That was the great difficulty, but one which he thought might be overcome. The Metropolitan Board of Works proposed to expend on the making of the low-level sewer a sum of £221,000, and that would, of course, form part of the embankment scheme. The Board of Conservancy of the Thames were also most anxious that the undertaking should be accomplished, and were willing to consider whether a portion of the revenue to be obtained from reclaimed land might not be applied to that purpose. In his opinion this was not a local but an Imperial question. ["No, no."] Hon. Members might say "No," but he put it to the House whether the saving of time to the vast numbers of people who were in the habit of passing to and fro in London which would be effected by this scheme was not a sufficient reason why the Imperial Exchequer ought to contribute to its execution. Large grants were made for the improvement of various ports in the kingdom, and he did not see why there should not also be a grant for improving the navigation of the Thames. In order to carry the sewage of the Metropolis down to Barking Creek a large quantity of water would have to be withdrawn from the Thames, and the embankment would therefore be required to put the river in a proper condition for the purposes of navigation. The embankment would be extremely valuable in a sanitary point of view, both by supplying a fine public walk, and facilitating the cleansing of the river.

Motion made, and Question proposed,

"That a Select Committee be appointed to consider the best means of providing for the increasing traffic of the Metropolis by the Embankment of the Thames."

MR. COWPER said, he thought the House would have no objection to the Motion of the hon. Gentleman. It did not require any argument to show the necessity of free communication between Charing-cross and London-bridge. No one who had driven in a carriage along the crowded thoroughfare of the Strand and

found himself compelled to go at a walking pace instead of a trot could fail to understand the serious nuisance caused by the obstruction of the route, and the consequent loss of time. It was generally admitted that an embankment would be of advantage to the navigation of the river; and the threatened stoppage of the central traffic of the Metropolis during the construction of the low level sewer at a great depth along the Strand and Fleet-street, undertaken by the Metropolitan Board of Works, rendered it very urgent that the Committee should proceed to consider this subject immediately. He looked with the utmost apprehension to the danger that might be incurred, during the formation of this sewer, by the valuable buildings along its route. It was to pass very near to the foundations of Somerset-house, and not far from the foundations of St. Paul's Cathedral. The great weight of the latter and the character of the soil on which it rested afforded a strong reason why a Committee should at once be appointed to consider what ground there was for apprehension of danger to that magnificent structure, and why the Board of Works should have an opportunity of abandoning their plan for a sewer below the chief thoroughfare of the Metropolis in favour of that which made it the basis of the proposed embankment. The appointment of a Committee would give an opportunity for a thorough investigation of the subject, and of considering the various plans that had been proposed at different times for making the embankment, and of ascertaining whether the rights of the individuals to property near would be injured, and what compensation should be given. Instead of being detrimental to their property, his own opinion was that it was possible to construct an embankment in such a way as to improve it; but it was desirable, before any measures were taken with reference to carrying such a project out, that the parties interested should have an opportunity of expressing their views and of stating their case. Another question which would demand the attention of the Committee would be the fund from which the expense of any of these operations was to be defrayed. He must altogether demur to the allegation made by his hon. Friend that this project ought to be treated as an Imperial question. It appeared to him as local as any other that could be mentioned. It was generally held that street improvement and works of drainage were especially local matters, and if the hon. Member expected to get any grants from the public exchequer for the execution of this embankment, it was to be feared he would be disappointed. It was, however, very important that the manner in which local taxation could be made available for this purpose should be considered by the Committee. The Metropolitan Board of Works would no doubt be ready to contribute largely, as far as the sewer was concerned; and it might be found that some other form of local taxation might be applicable, in consideration of the general benefit to be conferred on the Metropolis. It had also been suggested that private enterprise would aid in the completion of such a work, if the way could be seen to a fair remuneration. A portion of the embankment, for example, might be set apart for an omnibus tramway. The embankment of the Thames would contribute to the decoration and ornamentation of the river, as well as improve its navigation, and he thought, under the circumstances, it was a question that should go before a Committee without loss of time.

MR. BLACKBURN said, he had thought that the establishment of the Metropolitan Board of Works would have relieved the House from a discussion of local questions of this kind, which would properly form the subject of a private Bill. He was willing to consent to the Committee, however, on a distinct understanding that not a farthing of the public money was to be spent in carrying out the scheme. But in order to remove all doubt on that score he begged to move, as an Amendment, that the words be added to the Motion—"And how these funds are to be provided from the district benefited."

Amendment proposed, to add, at the end of the Question, the words "and how the funds are to be derived from the district benefited."

LORD JOHN MANNERS said, he could not support the Amendment of his hon. Friend, because it would absolutely prohibit the Committee from reporting in favour of applying the coal duty towards the construction of this great Metropolitan improvement, which was one of the fairest objects to which such a revenue could be devoted. He cordially supported the proposal for this Committee, considering that the embankment of the Thames, if properly carried out, would be one of the most beneficial and ornamental works that could be constructed in the Metropolis. He agreed

also as to the necessity of making the investigation without loss of time, and begged to suggest that much advantage might result from the appointment of a Royal Commission to consider the subject of Metropolitan railways, in order to prevent their cutting up the City in every possible variety of angle and in the most ridiculous manner. He altogether despaired of any Railway Committee doing justice to this subject.

Mr. AYRTON said, he thought they would be troubled with monthly discussions on subjects of this nature unless they would consent to create some municipality that could deal with them on an intelligible and proper principle. The only proper body to deal both with the introduction of railways into the Metropolis and the embankment of the river was a municipality. It was altogether an improper mode of proceeding to appoint a Select Committee to deal with such questions, and then to consider how they should tax the inhabitants in order to carry out what was deemed a very interesting public object. The right hon. Gentleman the First Commissioner of Works gave his consent to this Committee just to play with the subject. They had no earthly connection with it, and the manner in which they were accustomed to deal with such questions showed a capacity which was perfectly remarkable. The Board had no sense of responsibility; and they threw these matters over to a Select Committee, where no one was responsible. The House should decline to entertain such propositions altogether, except in a comprehensive way by a body elected by the inhabitants and by property, which should protect the one as well as the other in all these important questions. He also objected to the reimposition of the coal tax.

Mr. DEEDES said, he thought something ought to be done, but could not agree that Imperial money should be spent on such a project. The right hon. Gentleman did not say positively that no public money would be devoted to that object, and he thought he ought to say so at once. Unless they pointed out at whose expense the work was to be undertaken, the inquiry would lead to no positive result. There should be a Royal Commission appointed to consider the various important questions involved in this subject.

Viscount PALMERSTON said, he could not agree in the opinion of the hon. Member for the Tower Hamlets (Mr. Ayrton) to the inefficiency of Select Committees. On the contrary, he thought a Committee a very good instrument to examine fundamental propositions, and to extract from witnesses those facts upon which conclusions might be safely founded. His hon. Friend reverted always to his own proposal, that there should be a municipal body to represent the whole Metropolis. It was a very fit subject to propose to the House as a separate question, but he could not concede that it had any direct application to the Motion which they were now discussing. There was a body which, with regard to these works, did correspond very much with the notions of his hon. Friend. The Board of Works were expressly empowered to raise by local taxation the funds necessary for improvements connected with the Metropolis. In virtue of these powers they were making tunnels, and charging the expense upon the rates which they were in the habit of levying. They had the means, therefore, of contributing very effectually to the expenses of this operation. His hon. Friend had found fault with the department of the Government which, before the appointment of the Board of Works, was charged with the arrangement of the sewers. The reason the department of the Government was not able to construct the sewers was because they had not the power to raise the money. It was not that the Government were unable to devise a plan for draining the Metropolis and preventing the sewage going into the Thames, because the plan at last adopted by the Board of Works was the same plan which the Government thought efficient and proper for the purpose. He should certainly object to the addition to the Motion proposed by the hon. Member opposite, because all matters connected with the subject were naturally included in a reference to a Committee. He was, however, quite prepared to make good the assertion of his right hon. Friend, that the Committee was not to expect that any recommendation of theirs would have the effect of bringing towards the expense of the operation any vote of public money, because he was sure the House would not agree to expend any portion of public revenue on these local improvements of the Metropolis. The hon. Gentleman ought to go into the Committee with the clear understanding that, whatever the cost, no part of it would be defrayed out of the revenue of the country at large. But it might be that the Committee might think some fund could be formed and some mode

devised of offering a fair remuneration to capitalists who would invest money in works connected with this embankment. The inquiry, therefore, seemed to him to be one very fitting for a Committee to undertake, and they were not, in his opinion, superseded at all by the existence of the Metropolitan Board of Works. He happened to be a Member of a Committee appointed two years ago to inquire into the state of the Thames, and they had evidence given to them showing what great advantages would arise in every point of view from a good embankment of the Thames on proper principles. It would secure greater purification of the bed of the river; it would improve the navigation; it would be conducive to the general convenience of the Metropolis. In every point of view, it was a scheme proper to be encouraged. The particular object for which the Committee was appointed was of a different kind, and, therefore, in their Report they merely adverted to the circumstance. But he thought the House would do well to concur in the Motion of his hon. Friend and appoint this Committee. This Committee would collect evidence showing in what way the embankment could be made. They would certainly not recommend, he was sure, after what had been said, any grant of public money; but they might point out how, independent of the resources which the Metropolitan Board had at its command, either by the coal duties or by private enterprise, the work, which would be a great ornament to the Metropolis and a great convenience to the traffic, might be accomplished.

MR. BENTINCK said, as he had on a former occasion brought charges against the Metropolitan Members, he was bound on this occasion to make them amends, after hearing the speech of the hon. Member for the Tower Hamlets. The matter, however, was now left in a singular position. The hon. Gentleman who represented the largest portion of the inhabitants of this Metropolis, who were chiefly interested in this measure, repudiated the whole scheme. It was, in fact, not asked for by the Metropolitan Members. The Chief Commissioner of Public Works was in favour of the scheme, but then, to his (Mr. Bentick's) great relief, he said no one must expect the expense to come out of the Imperial purse. But if that were so, what was the work of the Committee? He could not share the sanguine views of the noble Lord at the head of the Government as to the results that might be expected from the appointment of this Committee. In ninety-nine cases out of a hundred they led to no result at all, and if ever there was a case in which that would happen, it was where its assistance was repudiated by those most interested in its labours. He rose, however, chiefly for the purpose of explaining to the House that the object of his hon. Friend the Member for Stirlingshire was to pin the Committee down by a declaration on the part of the House that whatever they might recommend they must not expect any assistance beyond the local resources.

MR. JOSEPH LOCKE said, he thought the Metropolis was dealt with in a most peculiar manner. The proposal was that a tax should be raised throughout the Metropolis for raising an embankment along the northern side of the river, for people who came from the remote parts of the country to enjoy. The people of London did not wish for it—but hon. Members from all parts of the country were always trying experiments upon the Metropolis—*in corpore vili*—and then came upon Londoners to pay for them. It was the House of Commons who recommended the sewage to be thrown into the river. Hon. Members came up from the country, and found the river so bad that they could not go on board a steamboat without feeling uncomfortable, and then they asked that a great sewer might be made, at a vast expense, to carry away the filth which but for them would not have gone in that direction at all. They would not grant them a municipality; the Government were afraid of that, and speaking for himself, he might say that Southwark and the Surrey side of the river would not be benefited at all by this grand scheme. Above all he decidedly objected to the Amendment of the hon. Member for Stirling, who had a strong objection to the spending of money upon the Metropolis, but who was the warm advocate of grants in aid of the Scotch pickled herring trade. The proposed embankment would only pass through two or three parishes, or "districts," as the Amendment called them, and on these it was proposed to levy the entire amount. If his hon. Friend could see his way to the source from which the suggested improvements could be paid, he would support the Motion, but not otherwise.

LORD LOVAINE said, he agreed with his hon. Friend the Member for Norfolk, as to the inutility of Select Committees in

most of these cases. The House was already in possession of evidence upon evidence, and estimate after estimate, and another Committee could but produce results exactly similar. The real obstacle to success was the enormous cost of buying up the local interests of those who lived along the banks of the river. Still, if it were an amusement to the hon. Member for Coventry to sit on the Committee he was welcome, as far as his (Lord Lovaine's) vote was concerned; but it must be upon the distinct understanding that he should oppose any grant of money from the Imperial treasury to the scheme of embankment.

Sir MORTON PETO said, the Metropolis was already committed to the expenditure of £7,000,000 on the drainage scheme, and the ratepayers were already crying out that they derived no benefits proportioned to the rates levied. They were consequently not likely to contemplate with pleasurable feelings the present proposition. All attempts at dealing with questions of this magnitude were but playing at legislation, unless a master mind existed to direct, and means equal to the accomplishment of the works to be undertaken, were forthcoming. He did not wish to introduce an Imperial *régime* into this country, but he could not help regretting the puny, hap-hazard spirit with which our Government shrank from dealing with great questions when he saw the improvements which had been effected in Paris. He had seen something of the accounts and details of the vast buildings which had been erected there of late years through a private source, and had been extremely struck with the order, detail, and accuracy that prevailed. In England, on the contrary, we suffered an agglomeration of warehouses to stand in the way of this vast improvement, and were deterred from action by impediments originating in arrangements dating from the time of Edward I. All that was required was, that the Government would deal with the question in a spirit worthy of itself; and all that was needed was, that the noble Lord the Member for Tiverton should carry it out in the same firm manner in which he had carried the Smoke Bill, which reflected honour upon him. It was in that way that Paris had been made an object of attraction to the whole world. It was useless for the Committee to commence the inquiry with their hands tied up. It was decided that they should neither be at liberty to recommend direct nor indirect taxation; and any person who knew anything of the Metropolis must be aware that it would not submit to additional imposts. Unless the House and the Government were prepared to deal with the question in a better spirit, they ought not to touch it at all; it would be more judicious to allow the Corporation Bill, like many other measures, to go adrift.

Lord FERMOY said, it was of no use referring the question to a Committee, unless the main difficulty were solved, how to raise the money. The Committee ought to be untrammelled in their recommendations, or their Report would bind no one but the members of the Committee. Let them inquire as to the cost, and say where the money was to come from. The people of the Metropolis would object to pay the cost, and why ought not the country at large to contribute to it? His right hon. Friend said that the sewer referred to was likely to pull down Somerset House and even St. Paul's Cathedral. If there was any such danger, it was time, in his opinion, to stop the sewer altogether.

Question, "That those words be there added," put, and *negatived.*

Mr. CONINGHAM said, that he should support the Motion of the hon. Member for Coventry, but even in the Metropolis itself there were differences of opinion upon the subject.

Mr. COWPER said, that the chairman of the Metropolitan Works was entirely in favour of the appointment of the Committee.

Original Question put, and *agreed to.*

House adjourned at One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, May 7, 1860.

Minutes.] Public Bills.—1ª Bank of Ireland.

STATUTE CRIMINAL LAW CONSOLIDATION BILLS.

REPORT OF SELECT COMMITTEE.

The LORD CHANCELLOR *presented* the Report of the Select Committee to which the several Bills for the consolidation of the Statute Criminal Law were referred; stating that the Committee had

gone through these Bills and made various Amendments, which were now reported to their Lordships. The Committee was attended not only by law Lords but also by several lay Lords, and the Bills were in such a state now that he trusted that they would be adopted by both Houses of Parliament and become law.

Bills *committed* to a Committee of the whole House on *Thursday* next.

SAVOY.

EARL GRANVILLE said that his noble Friend (the Marquess of Clanricarde) had given notice of a Motion for

"Copies of the further Communications to the French Government, relating to the Portion of Savoy the Neutrality of which is guaranteed by the Great Powers, and to those Powers announced in Lord John Russell's second Despatch to Earl Cowley of the 22nd March."

He desired now to state that it would not be in the power of Her Majesty's Government to give the papers referred to in the notice, neither would it be in their power at present to give any information on the subject. Under these circumstances, he suggested to the noble Marquess the expediency of postponing his Motion for the present.

THE MARQUESS OF CLANRICARDE said that, after the statement of the noble Earl, it would be not only improper but entirely useless for him to bring forward his Motion; but he hoped that before the Government came to any decision about going into the Conference — which Conference must, he apprehended, recognize as facts the events which had taken place in Savoy —Parliament would have the papers before it, and be able, if necessary, to pronounce an opinion on the subject.

INDIA—RECENT DISTURBANCES.

PAPERS MOVED FOR.

THE MARQUESS OF CLANRICARDE moved for

"Despatch from Mr. E. H. Lushington to the Commissioner of the Nuddea District, dated 23d October, 1859, and relating to the Treatment of Natives by European Planters in India. Also, Report of Mr. Reid to the Lieutenant Governor, referred to in the above-mentioned Despatch. And to present a Petition from certain Natives of India, praying for legal Reforms and for their Admission into higher Offices of Government than are now open to them."

The noble Marquess said that, before coming to the House, he had received a note from his right hon. Friend the Secretary of State for India (Sir C. Wood), informing him that about half the papers relating to the state of affairs between the indigo planters and the ryots of Bengal had just reached the India-office, and that he was promised that the remaining portion would arrive by the incoming Calcutta mail; his right hon. Friend therefore suggested that he should postpone the discussion until those papers had arrived, and Her Majesty's Government were in possession of the contents, and were able to form an opinion on the subject. The petitions he had to present referred to other subjects besides that; at the same time, as that was the pressing subject of the moment, and as he thought it would weary their Lordships to enter into an Indian Debate, while they were precluded from touching one of the most important points to which their thoughts would necessarily recur, he would postpone the entire matter till Tuesday, the 15th inst.

THE EARL OF ELLENBOROUGH said, the noble Marquess could not have adopted any other course. At the same time he must express his extreme regret that it was necessary for him to adopt that course at all. The state of things in India were of the gravest character. There was an agricultural insurrection and a coercion Act, and the Government of Madras was in direct open variance with the Supreme Government of India. Under those circumstances it certainly was very much to be regretted that it should be necessary for the next mail to leave this country without carrying with it any expression of opinion on the part of either House.

SELLING AND HAWKING GOODS ON SUNDAY BILL.—COMMITTEE.

Order of the Day for going into Committee on this Bill, read.

LORD TEYNHAM said, he disapproved of the objects of the Bill. He thought more might be done by the efforts of societies and individuals to suppress Sunday trading than could be done by coercive Bills. He hoped the Bishops would persuade the noble and learned Lord who had charge of the Bill to withdraw it.

House again in Committee.

Bill *reported* without Amendment.

Amendment made.

Bill *re-committed* to a Committee of the whole House on Thursday next.

House adjourned at a quarter before Six o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 7, 1860.

MINUTES.] PUBLIC BILLS.—1° Labourers' Cottages (Scotland).
2° Refreshment Houses and Wine Licences; Census (Ireland); Nuisances Removal and Diseases Prevention.
3° Exchequer Bills (£13,230,000).

VOLUNTEER OFFICERS.

QUESTION.

MR. BOWYER said, he would beg to ask the Secretary of State for War, Whether a regulation has recently been made that Officers of Volunteers are not to have their military rank at Court, and if so, whether Her Majesty's Government will reconsider the subject, and allow to such Officers their military rank at Court?

MR. SIDNEY HERBERT said, he had stated the other night, in answer to a similar question from his hon. and gallant Friend (Sir De Lacy Evans) that no such order had been promulgated. He had since seen a report of a meeting at Liverpool, at which it was stated as a great grievance that officers of volunteer corps were not allowed to go to Court in their uniform. He could give an unqualified contradiction to that statement. Every one present at the last levee must have noticed a considerable number of volunteer officers present in their uniform.

BUSINESS OF THE HOUSE.

QUESTION.

MR. DISRAELI wished to know if the Business of the House for to-morrow will be taken by the Government in the order that it appears on the Paper; or whether any change will be made? He referred especially to the adjourned debate on the Paper Duty Bill.

SIR GEORGE LEWIS said, in reply, that the Government had no power in arranging the Orders for Tuesday; but if his right hon. Friend the Chancellor of the Exchequer did not bring on the Paper Duty Bill, he (Sir George Lewis) would proceed with the London Corporation Bill. If, on the other hand, the Paper Duty debate were resumed, the latter Bill would be postponed.

MR. DISRAELI: That was the very point respecting which he wanted information, because the Corporation Bill preceded the Paper Duty Bill on the list of Orders.

ORDER OF THE BATH.

QUESTION.

SIR HENRY STRACEY said, he rose to ask the Secretary of State for War, Whether the Secretary of State for India has not sent to him the names of certain Officers of Her Majesty's Indian Army who have for their distinguished services been recommended by the Governor General of India and the Commander-in-Chief for the Companionship of the Bath; and if so, why this honour has not been conferred; and whether there be any objection to their names being recorded in *The Gazette?*

MR. SIDNEY HERBERT replied, that the names of Officers, both in the Queen's service and in that of the East India Company, had been sent home with recommendations that those Officers should receive the Order of the Bath; but as the numbers were at this moment considerably in excess of that fixed by the statute their names had not been submitted to Her Majesty, and it would not be a correct course to publish them in *The Gazette* before they had received the Order, which he hoped, however would be before long.

IRISH ECCLESIASTICAL COMMISSION.

QUESTION.

MR. VANCE said, he wished to ask the Chief Secretary for Ireland when it is his intention to introduce the Bill for the better Regulation of the Irish Ecclesiastical Commission. He also wished to know whether it is intended to bring in a measure to transfer the powers of the Commissioners of Wide Streets in Dublin to the Corporation of the City?

MR. CARDWELL said, in answer to the first question, a Bill would be introduced in the other House in the course of the present week. In reply to the second question he could only say that no notice had been given.

ROMAN CATHOLIC CHARITIES.

QUESTION.

MR. NEWDEGATE said, he rose to ask the hon. Member for Dundalk when he intends to proceed with the Bill respecting Roman Catholic Charities, upon which the Secretary of State for the Home Department has informed the House that the hon. Member has been in communication with the Government?

MR. BOWYER said, he wished it to be distinctly understood that there had been no delay on his part. The House would

remember that last Session a Continuance Bill was passed, and that he pledged himself to introduce a measure to settle the matter permanently. This he did out of deference to what he believed to be the feeling of the Government and the House, although he entertained the opinion, which he still held, that any attempt to bring Roman Catholic Charities under the same jurisdiction as Protestant Charities must be met with great and perhaps insuperable difficulties. Nevertheless, he brought in a Bill at the close of last Session, with a view to the matter being considered in the recess. That Bill was prepared by an eminent conveyancer, Mr. Henry Stonor, the Chairman of the West Indian Encumbered Estates Court; and he (Mr. Bowyer) reintroduced it at the beginning of this Session. It was subsequently read the second time, and the reason why it had not been immediately committed was that, as it was a purely conveyancing Bill, depending upon legal and technical matters, he thought it desirable that its clauses should be considered calmly and quietly out of the House, and that then it should go into Committee after such changes had been made as might be settled between the Government and himself. It was, therefore, submitted to the Attorney General, who made certain suggestions which were put in the shape of clauses by Mr. Stonor, and in that form approved of by Mr. Riddel, who represented certain Roman Catholics who had petitioned the House upon the subject last year. He had learnt, however, that certain points had been since raised by other parties who had been in communication with the Attorney General. He could only say that he believed the amendments were satisfactory, and as soon as he was informed that they would be accepted by the Government, and that no fresh points were raised which it was desirable to settle out of doors, he should be ready to proceed in Committee with the Bill.

SIR GEORGE LEWIS thought the most convenient course would be to revive the Order and then for the Attorney General to give notice of such Amendments as he might think desirable.

COMMERCIAL RELATIONS WITH TURKEY.—QUESTION.

MR. HADFIELD said, he would beg to ask the Secretary of State for Foreign Affairs, Whether (under 14th Protocol, page 59, of Conferences of the Plenipotentiaries of Paris, 1856, relative to the Treaty of Peace) there has been a revision of the stipulations which regulate the Commercial Relations of the Porte with other Powers, or in the position of Foreigners resident in Turkey; and whether (agreeably to the recorded wish of the Plenipotentiaries) a deliberation has yet been opened at Constantinople since the conclusion of Peace between the Porte and the Representatives of other Powers, with the view of attaining the twofold object, in such a manner as to afford entire satisfaction to all legitimate interests; and, if there has been no such revision and deliberation, whether this country, in its Commercial Relations with the Porte, ranks with the most favoured Nations (with Russia especially), in all Commercial transactions, the residence of British Subjects in Turkey, Fiscal and other Duties; and whether any beneficial or other change has taken place since the commencement of the War with Russia, or is intended; and are negotiations in progress to facilitate the Commerce of this Country with Turkey?

LORD JOHN RUSSELL said, in answer to the hon. and learned Gentleman, he begged to say that his noble Friend (Viscount Palmerston) two years ago had answered the latter part of the question, and since that time there had not been any revision of the stipulations which regulated the commercial relations of the Porte with other Powers, nor to the best of his knowledge had there been any deliberation between the Ministers of the Porte and the Representatives of other Powers. There had been various negotiations going on, and Sir Henry Bulwer had been very active in conducting those negotiations founded on the Treaty of 1838 on the subject; but Sir Henry stated that with regard to "the most favoured nations clause," no doubt we were entitled to the benefit of that clause. Sir Henry Bulwer had been engaged in endeavouring to improve our commercial relations in Turkey, but hitherto no very essential alterations had been obtained.

TRADE MARKS.—QUESTION.

MR. CRUM-EWING said, he would beg to ask the President of the Board of Trade if he intends to bring in a Bill on the subject of Trade Marks, and false markings of measurements; and, if so, when?

MR. MILNER GIBSON said, a Bill on the subject had been prepared, and it had

been the intention of the Government to introduce it in a short time, but there was a Bill before a Select Committee of the other House of Parliament for the amendment and consolidation of the Laws relating to forgery; and he was informed that there was an intention to introduce a clause into that measure in reference to the forgery of trade marks. That being so, the Government would wait to see that Bill before they brought forward their own.

TROOPS FOR CHINA.—QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Secretary of State for War, Whether any additional number of troops have been sent to or placed under orders for China beyond the number stated in this House by the Secretary of State for India on the 24th day of February last; what is the amount of the addition, if any; and whether it has been made by the despatch of troops from India or from this country. Also, what arrangement has been made for the wives and families of the troops despatched from India to China; and whether, in consequence of any addition that may have been made to the number of troops, it will be necessary for the Government to apply to Parliament in the present Session for an additional Vote of Credit on account of the Chinese Expedition?

MR. SIDNEY HERBERT said, in answer to the question of the hon. Baronet, he had better state first what was the amount of force mentioned by his right hon. Friend the Secretary of State for India on the 24th of February last as being about to be despatched to China from India. There were five regiments of European Infantry, and probably two additional British regiments, amounting in the whole to 7,484 men, the five regiments would include 5,500 men, and the two additional regiments 1,984 men. He said there would also be five regiments of irregular Native Infantry, consisting of about 4,000 men; one regiment of Native Cavalry, of 400 men; and two companies of Madras Sappers, amounting together to 200 men; making in all 4,600. So that the British force, consisting of 7,484, and the Native force, of 4,600, would make a total of 12,084. But his right hon. Friend did not mention, owing to the form in which the question was put to him, what he (Mr. S. Herbert) would now state—namely, that there were likewise going from India four battalions of Royal Artillery, consisting of 814 men; one company of Royal Engineers, of 124 men; and two squadrons of Dragoon Guards, of 328 men; making a total of 1,266. These, added to the former sum, made an aggregate of 13,350 men. One regiment, however, of the Native forces, they had heard by the last mail, had been stopped, and it was possible that other regiments had been stopped. Only the day before yesterday they heard that one regiment had been detained in consequence of receiving counter orders. He would add now the numbers of the troops which had been despatched from England; they consisted of one battalion of the Military Train, 289 men; two battalions of Royal Artillery (Armstrong guns), 444 men; the 2nd Regiment of Foot, from the Cape, 845 men; together, 1,578. That, added to the totals stated before, made 14,928. From that must be deducted however, for over-estimate of the forces already stated, about 1,000 men, making the whole of the available force about 14,000 in round numbers, irrespective, of course, of the garrison at Hong Kong. With respect to the wives and children of those regiments which had been despatched to China from India, the moment the Government here heard that the India Government contemplated sending them to England, the Government at home telegraphed to India, desiring the Government to keep there all the wives and children of the regiments despatched from India to China until further orders. With reference to the question of additional forces for China, it would be impossible to foresee what would be the course of future events; but if it should be such as to lead to a commencement of hostilities, and to a protraction of operations, then certainly due notice would be given to the House of any Motion that might become necessary to meet that state of things.

BUSINESS OF THE HOUSE.

MR. DISRAELI said, with respect to the order of business for to-morrow, he would point out that, though a Notice Day, the House will probably at a comparatively early hour reach the Orders of the Day, all which were Government Bills; now he wanted to know whether the noble Lord at the head of the Government intends to proceed with the Bills in the order in which they stand on the Paper, or whe-

ther there is to be any selection or preference ?

THE CHANCELLOR OF THE EXCHEQUER said, he believed the details stood thus as regarded the business for to-morrow night. Assuming the statement of the right hon. Gentleman turned out to be correct, that the House came to the Orders of the Day at a comparatively early hour, those Orders of which the Government had charge, and which did not relate to financial business, would be postponed that they might proceed with those which did ; and therefore his right hon. Friend (Sir George Lewis) would not go on with the adjourned debate on the London Corporation Bill. The next Bill, which was one of great importance, relating to the local management of the Metropolis, was in the hands of the hon. Member for Bath (Mr. Tite) ; but, as it contained several hundred clauses, and had only been delivered that day, he took it for granted that the hon. Member would not proceed with it to-morrow night. The fourth Bill was in the hands of the Government, and would not be brought forward to-morrow night. The fifth Bill was not in the hands of the Government ; it related to the subject of stock jobbing, and was a sort of rival measure to that of the Government, known as Sir John Barnard's Act Repeal Bill. He did not know what the intention of the hon. and learned Member for Guildford (Mr. Bovill) might be with regard to that Bill ; but it appeared to him that the course most convenient for the House to take, and which the Government would endeavour to promote, would be, that they should take the adjourned debate on the third reading of the Paper Duty Bill, provided they came to it at a moderate early hour—namely, by nine or ten o'clock.

LAW OF RATING—QUESTION.

SIR WILLIAM MILES said, he wished to ask the Secretary of State for the Home Department, When he proposes to bring in the Bill for the Amendment of the Law of Rating, which he has stated he has prepared ?

SIR GEORGE LEWIS said, a Bill, of which the main object was to render the system of rating in England uniform, and also up to the full value of the tenement, had been prepared, and should be brought forward when there appeared any advantage in doing so. Certainly the discussion which had lately taken place showed that the present system of rating was not in a very satisfactory state. He was afraid that if he were to introduce the Bill it would simply lie upon the table, as there seemed no possibility of the Government being able to carry through any of the business, in addition to that which they had in progress already.

TEMPORARY CLERKS IN THE WAR OFFICE.—QUESTION.

MR. SCHOLEFIELD said, he would beg to ask the Secretary of State for War, Whether he will take into his consideration the advisability of placing those Clerks at the War Office, who have for many years been employed as temporary Clerks, on the same footing as to promotion as that of the Clerks on the regular establishment?

MR. SIDNEY HERBERT said, that a large number of temporary Clerks were on the establishment, and that the War Office had applied to the Treasury for permission to place a certain proportion of them on the body of the establishment. The Treasury were, however, anxious to see first the Report of the Commission that was sitting for the purpose of inquiring into the mode of conducting the accounts of the War Office, and until they received that Report he did not expect that they would sanction any alteration in respect of the position of the temporary Clerks.

THE LOST TURKISH MEDALS.

QUESTION.

MAJOR STUART said, he rose to ask the Secretary of State for War, Whether the British Government had not undertaken the transmission of the 20,000 Turkish Medals from Constantinople previous to their loss in the Mediterranean ; and whether it is the intention of the Government to defray the expense of replacing them?

MR. SIDNEY HERBERT replied, that the British Government did not undertake the transmission of the Medals. They were shipped by the Turkish Government, and the responsibility rested upon that Government. The Foreign Office had been requested to communicate with Sir Henry Bulwer, in the hope that the Turkish Government might be willing to replace the Medals. Meanwhile the men entitled to the Medals were permitted to wear ribbons.

MR. WALTER AND MR. HORSMAN.

PERSONAL EXPLANATION.

MR. WALTER:—Sir, I rise to move the Adjournment of the House for the purpose of enabling myself to make a personal explanation. It is with extreme reluctance that I venture to trouble the House upon a personal matter, but I conceive that it has a right to be informed of any circumstance affecting the position and independence of one of its Members; and, as I have reason to complain of an attempt which has been made by the right hon. Member for Stroud (Mr. Horsman) to place me in a false position as a Member of this House, and to impair my freedom of speech, I venture to ask its indulgence for a few moments while I state the nature of my complaint; and I feel confident that, when it has heard my statement, it will be of opinion that no other course was open to me than that which I have pursued. Sir, on Monday evening last I ventured to address the House in the debate on the Reform Bill; and on the following Wednesday I received from the right hon. Member for Stroud the following letter, which, as it contains the grounds for an attack which the right hon. Member intended to make upon me in this House, though circumstances prevented him from fulfilling that intention, is public property, and I have the right to read it to the House. The letter struck me as the more extraordinary, because, up to the moment when I received it, I had no reason to suppose that my relations with the right hon. Gentleman were otherwise than of a friendly character. The letter is as follows:—

"1, Richmond Terrace, May 2.

"Sir,—I think it right to request that you will be in your place to-morrow, when the debate on the Reform Bill is resumed, as I intend in speaking to notice the suggestion you made on Monday, that the passing of the Bill should not be followed by an early dissolution. And I feel the more bound to do this, as the same suggestion was coupled with my name in a leading article of *The Times* of that day, in which I am personally brought in for no other purpose but as illustrative of the general meanness of the House of Commons. As the Member selected by *The Times* through whom to offer an insult to the House of Commons more gross than any yet offered by Mr. Bright, whom you rebuked, I feel called upon to repudiate, as publicly as it was made, a description of the character and sentiments of the House which every Member of it will repel as indignantly as I do myself.

"I have the honour to be, Sir,

"Your obedient servant,

"EDWD. HORSMAN.

"John Walter, Esq., M.P.

Now, in this letter the House will observe that a distinct charge is made against me of using language in my speech in the debate which, taken in conjunction with language used in a leading article in a public journal, the right hon. Gentleman supposes to convey an imputation on the character of the House of Commons. To this letter I addressed the following reply:—

"40, Upper Grosvenor Street, May 3.

"Sir,—I have the honour to acknowledge the receipt of your extraordinary letter, which I received last evening at a public dinner, and to which, as I shall of course be in the House this evening, I need make no further reply at this moment.

"I have the honour to remain, Sir,

"Your most obedient servant,

"J. WALTER."

In consequence of the invitation of the right hon. Gentleman, I attended in my place on Thursday evening, and waited from 4 o'clock till half-past 7. The right hon. Gentleman was in his place, but did not rise to address the House. He intimated to me at half-past 7 that, as he found his rising to address the House at that time would lead to an adjournment of the debate and cause great public inconvenience, he had abandoned his intention of speaking. Here, perhaps, some persons may ask why did I not allow the matter to drop? Sir, I felt it impossible to allow it to drop. After having been called on to attend in my place and hear a charge preferred against me in reference to a speech made by me in this House, coupled with reference to comments on the debate made elsewhere, I felt that I could not allow the right hon. Gentleman to hold in his hand a weapon that he might use against me at any time at his convenience. I therefore this morning wrote the following letter to the right hon. Gentleman:—

"40, Upper Grosvenor Street, May 4, 1860.

"Sir,—I cannot help thinking that your letter of Wednesday, which occasioned my attendance in the House last evening to no purpose, must have been written in a moment of irritation, and under circumstances of misapprehension which your better judgment may have led you to regret. If so, I shall be happy to receive an assurance from you to that effect; if not, I shall feel it my duty to bring your letter and the subject to which it relates under the notice of the House this evening at the earliest opportunity.

"I have the honour to be, Sir,

"Your most obedient servant,

"J. WALTER.

"Right Hon. E. Horsman, M.P."

I waited at home till half-past two o'clock on Friday afternoon for a reply; but, not

receiving any, I came down to the House to consult you, Sir, as to the course which I ought to pursue. I had just arranged for the proper moment of bringing the subject under the notice of the House, when, at half-past three o'clock, this not very brief epistle was forwarded to me from the right hon. Gentleman. Of course it was impossible at that hour to give to it the attention which such a document deserved, and I was obliged to postpone my statement till the present moment. I have no wish to refer to the contents of this letter, except to one passage only, which relates to a speech of mine at Nottingham. It contains a great deal of very curious matter, and the right hon. Gentleman, if he thinks proper to read it to the House, has my permission to do so, on the distinct understanding that he reads every word of it. ["Read, Read!"] I would rather not read it; but the right hon. Gentleman may read it to the House, provided he reads every word of it. I informed the right hon. Gentleman of my intention to bring the subject before the House this evening, when he would have an opportunity of making a reply. Now, with respect to the passage in my speech to which the right hon. Gentleman refers, I have nothing to explain or to vindicate. It referred in express terms to the speech which the right hon. Baronet the Member for Hertfordshire (Sir Bulwer Lytton) had delivered a few nights before, in which he spoke of a dissolution as a great evil to the country; the only difference being that, while the hon. Baronet deprecated the passing of the Reform Bill, because it would lead to a dissolution, I, agreeing with him as to the mischief of a dissolution, thought that it did not follow as a necessary consequence of a Reform Bill, and therefore should not be considered an obstacle to the passing of a Reform Bill during the present year. This was the whole and sole extent of my remarks on this subject. Had I gone further than that—and had I even used language similar to that which the right hon. Gentleman complains of in the *The Times* newspaper—had I said that hon. Members might be influenced in their wishes in regard to the passing of the Reform Bill by the prospect of a dissolution, I do not think there are many Members in this House whose sensibilities would have been wounded by the suggestion that the prospect of a general election, with all its—I will not say corruption—but its concomitant expense, confusion, and dissipation, was one which they would not wish to precipitate. The fact is, however, that I neither expressed nor intended to convey any such meaning. But what I do complain of is, that the right hon. Member has thought fit to connect my speech with an article in *The Times*, with which I had no more to do than he had himself, and of which I can only say that I do not at this moment know who wrote it. But as this statement may surprise the right hon. Member, and as he founds his inference as to my connection with this article upon a speech which I made at Nottingham in 1859, in which he says that I avowed my connection with *The Times*, and pleaded it as an excuse for not having taken a more active part in the debates in this House, I will explain to the House the reasons which led me to make that statement. There is, in my opinion, a necessary antagonism (I know not by what other name to call it) between Parliament and the public press, which ought to keep the functions of each entirely apart, and which requires a good deal of delicacy to be observed in the relations between them. Now, I have observed a growing disposition of late years on the part of a certain section of this House to import into the debates in this House very frequent references to the opinions of the public press, to an extent which appears to me to be hardly consistent with the dignity of Parliament. And in the year in which my speech to which the right hon. Gentleman refers was made I was particularly struck by the circumstance that a right hon. Gentleman, now a Member of the Cabinet, had in the debate on the Conspiracy Bill quoted very largely from leading articles in *The Times*, with a view to strengthen the case against the noble Lord now at the head of the Government, whom he succeeded in ousting. That circumstance, coupled with the growing fashion to which I have referred, has always made me feel that the position of any hon. Gentleman in this House who was supposed to be in any way connected with the press has become somewhat embarrassing. Accordingly, in the speech delivered on the occasion referred to at a public dinner at Nottingham, in reply to a toast in which my name was connected both with the House of Commons and with the press, I made some remarks on that circumstance, and mentioned that any hon. Gentleman supposed to be connected with the press, however remotely, laboured under some disadvantages in this House. But if I have felt unduly sensi-

tive on that point it was because I never before had the opportunity which the right hon. Gentlemen has now afforded me, which I could not have made for myself, and without which I could not volunteer the statement I now make,—that my connection with *The Times* newspaper, although of a nature which makes me feel the deepest interest in its concerns, is not of an editorial character, and does not involve any responsibility on my part for any opinion or statement which it contains. If the right hon. Gentleman wants any more information, all I can say is that I have not got it to give him; nor can I be responsible for any conjectures which public gossip or the imagination of any private individual may lead him to form on the subject. I have thought it due alike to the House and to myself to offer this explanation, and, having done so, I will only say in conclusion that in the event of any similar attack being directed against me I shall take no notice of it whatever.

Mr. HORSMAN: Sir, if the hon. Member for Berkshire felt great reluctance in bringing this matter before the House, I can assure him and the House of my unfeigned regret that he has felt it his duty to take the course he has now adopted. I do so not on my own account. I freely confess that I would willingly and anxiously have avoided this discussion, for I feel that the statement which the hon. Member now compels me to make must give some pain to a Gentleman for whom personally I entertain feelings of respect and esteem; and no word shall fall from me to add to the unpleasant feeling which a controversy of this description must under any circumstances produce. As all that has passed between the hon. Member and myself has taken place by correspondence, I will leave that correspondence to tell its own tale. The hon. Gentleman has read only a portion of that correspondence, and he has left it to me to read the rest. The hon. Member read the first of those letters; but if he had read on, the House would see that in a subsequent letter I qualified some of the expressions I used in the first; and, so far as I could, I think I rendered it unnecessary to bring the matter before the House. I warned the hon. Gentleman, however, that if the question were brought before the House it must give pain which I would not willingly be the instrument of inflicting; and that, as far as I was concerned, I would rather the matter should be settled by personal explanation without these walls than by a public discussion here. These efforts of mine failed. I regret extremely that they failed, but I do not regret that I made them, because the responsibility of the course I am compelled to take in my own vindication rests upon the friends and advisers of the hon. Gentleman, and not upon me. While I am as ready as the hon. Member to assert the independence of the press, and as anxious to maintain it, I utterly repudiate as false and mischievous that doctrine of responsibility which the hon. Gentleman has set up; and before I sit down I shall have, I am afraid, to show that the hon. Gentleman is personally and directly responsible for every letter and every word of that article to which I have taken exception. The facts are these:—On taking my place on Monday I was told by my hon. and gallant Friend the Member for Roscommon (Colonel French) that there was a rumour of a compromise on the Reform Bill; that there was to be a £16 franchise for counties, an £8 for boroughs, and an engagement that there was to be no dissolution of the House for two years. I ought to repeat that my hon. and gallant Friend the Member for Roscommon merely mentioned this as a rumour; but the postponement of the dissolution for two years was openly discussed as a sop to the House of Commons. The hon. Gentleman the Member for Berkshire afterwards rose and addressed the House, and in the course of his speech appeared to me to countenance and advocate that mode of settlement of the question. I do not say he intended to do so; but when he came to the dissolution and the postponement of the Bill, what the hon. Gentleman said was received with ironical cheers and laughter from different parts of the House, and the House evidently fixed that interpretation upon it which the rumour mentioned by my hon. and gallant Friend assigned. That same morning there appeared in *The Times* an article from which I will read an extract. The writer is speaking of the Reform Bill:—

"There are certain Gentlemen in the House whose seats are secure, and whose elections cost them nothing, and whose nature it is to make hustings speeches, who would just as soon it passed as not. There are also a few Conservative leaders who have never ceased to regret their own folly in committing themselves to any reform, and who would perhaps buy a release from this most disagreeable pledge even at the expense of an interview with their constituents. But, with these exceptions, the passing of this Reform Bill means money out of pocket, a month of hard, disagreeable work, and possibly a fall from the Parliamen-

tary firmament. Perhaps it might have facilitated the progress of the Bill if a public announcement had been made that a Reform Act should not be followed by a dissolution. The idea, we believe, has occurred to many, but perhaps it has been thought so candid as to verge upon indecorum. A maiden may be very anxious for a husband, a barrister for a brief, or a politician for a seat, and each may tremble at the thought of losing the object of his solicitude, but it is part of the respectable hypocrisy of social life that a perfect and stoical indifference shall always be assumed in such matters. We believe that if such an assurance had been volunteered even Mr. Horsman would have indignantly repudiated any suggestion of an unwillingness to test the confidence of the electors of Stroud. But still it might have helped the Bill."

What was the construction to be put on this article? The construction I put upon it was that, however dangerous the House of Commons might think that Bill, however destructive it might be considered by *The Times* to the national interests, still that was not the danger that we cared about—what we cared about was the danger of a dissolution, and that therefore, if matters could be made pleasant by an understanding with the Government, Members were to give their votes in return for a two years' lease of their seats; if this could be secured, then the Members of the present Parliament—legally condemned and morally defunct, in which there are many Members who would have no right legally to sit here, and from which many persons would be excluded whom constituencies had a legal right to send here—would be willing to give their votes, openly and unblushingly, with a selfish regard to their own personal interests. That was the construction I put upon that article; and, putting that construction upon it, I say that a grosser calumny and a more insulting aspersion could not have been cast by any public speaker or writer upon the House of Commons. I then wrote the letter which the hon. Gentleman the Member for Berkshire has read to the House. No one had seen that letter but myself, and I gave no public notice of my intention to bring the matter before the House. Therefore I believed, when I told the hon. Member I was not going to notice the matter in debate, that no injury had been done to him, and that no public vindication of his character was required. I will go further, and say that if, when I received the hon. Member's letter next morning in which he complained of my abandoning my intention of speaking upon the matter, that letter had not been accompanied by the threat that if I did not make an apology he would bring the question before the House, I should have been ready to make any apology for any inconvenience or disappointment that the abandonment of my first intention might have caused him. But when that letter was accompanied by a threat of an appeal to the House of Commons, I ask any hon. Gentleman whether I could have given an apology? I regret that the hon. Gentleman did not ask for an apology without the accompaniment of that threat. After that letter I wrote a reply, which, after the challenge of the hon. Gentleman, I must read. Before, however, I read it, I may be permitted, to show my feeling on the subject, to read the two subsequent letters referring to this matter. I received from the hon. Member for Berkshire the following letter:—

Upper Grosvenor Street, May 5, 1860.

"Sir—Although I felt that I had good reason to complain of the course which you pursued on Thursday evening, in abandoning the impeachment which you had expressly summoned me to undergo, I did not consider myself justified, at the risk of another adjournment of the debate on the Reform Bill and the further delay of public business, in making any objection to that proceeding. I felt, however, that I could not remain silent under the imputations conveyed in your letter; and, accordingly, on my return home, after the debate, I wrote the few lines which you received at an early hour yesterday morning. After waiting at home for your reply till half-past 2 o'clock, I went down to the House and had just arranged with the Speaker for my proposed explanation when, at half past 3 o'clock I received your copious and elaborate communication. It was too late for me at that hour to study its contents before addressing the House, and I was therefore reluctantly compelled to postpone my explanation till Monday evening, when you will have an opportunity, if you think fit, of replying to it."

I replied to that letter immediately by the following:—

Richmond Terrace, May 5.

"Sir—I must leave you to take whatever course you may think proper on Monday, on the distinct understanding that there will be a Motion before the House on which I shall be at liberty to speak, and that you read to the House my letter on which you found your complaint. I have not as yet shown that letter or any portion of our correspondence to any one out of my family, except confidentially to one friend, nor did I intend, unless compelled, to show it. I shall only regret its production in the House of Commons, because the names of two of your friends are mentioned in the course of remarks which I told you were 'privately offered.' I presume you will have apprised them of your intention to bring the correspondence before the House, and to take on yourself the responsibility of giving to their names a publicity that I would willingly have spared them, but from

which I have not the slightest disposition to shrink."

The House will see from this that I did not compel the reading of the letter. As far as I was concerned, I deprecated the course which the hon. Gentleman has now obliged me to pursue, and warned him that it would be painful to others. I hope, therefore, the House will bear with me while I read this letter, and be kind enough to feel that it is not a voluntary act on my part, but one which has been forced upon me by the challenge which the hon. Gentleman has given me to-day. I should mention first that the letter of the hon. Gentleman was delivered at my house early in the morning, before I was up. As soon as I had read it, with a number of other letters, I hurriedly wrote a reply in order that the hon. Gentleman might receive it before the meeting of the House. He had, however, left home before my letter arrived there, and therefore he received it at the House of Commons. My letter was as follows :—

"Sir,—I did not write to you under feelings of misapprehension, and still less of irritation, and have not the smallest regret to express on that account. If my requesting your attendance in the House put you to inconvenience, I erred through a rule of courtesy, which requires notice to be given to Members whose speeches are to be pointedly alluded to. As soon as I found I could not speak without risk of causing an adjournment, I thought it courteous to inform you that I meant to abandon that intention. It was quite open to you to have objected then or later in the evening, for I presume, from the early hour at which your note was delivered, that it was written before the debate closed last night, and I should have been ready to adopt the course which it now appears would have been more satisfactory to you, if you had returned to the House and apprised me of what your note now conveys. I will now state to you what I intended to do, and my reasons for it. I was much surprised when you suggested in your speech, as an accompaniment to the passing of the Reform Bill, that the dissolution should be adjourned; and it appeared to me that no one could misunderstand what it conveyed as to the motives by which the House was to be influenced. It was only on Wednesday morning that, alluding again in conversation to your suggestion, I was informed that it had been made previously in *The Times*, and on referring to the file I for the first time noticed the article of Monday, the day on which you spoke. I intended, in noticing the various arguments and motives urged for the passing of the Bill, to have alluded particularly to your suggestion about a dissolution, as conveying, in my opinion, a very disparaging and injurious estimate of the Members of the House of Commons; and I should have added that, although your sentiment was clothed in the language of a Gentleman addressing Gentlemen, and though you were yourself incapable of language inconsistent with your high personal character and position, it was extremely to be regretted that a member of our own body should seem to imply such motives in a speech that must tend to give weight and authority to the same sentiment expressed elsewhere in coarser terms and a more offensive spirit. I should then have read the passage in *The Times*—not in any way connecting you with it, or making you responsible for it, any more than I should have made Lord Palmerston or Lord John Russell responsible for an article to which I charged them with giving weight and authority by adopting its substance. I will not, however, be so uncandid as to deny that in my own mind there would have been a connection between your speech and that article, and that it might and would probably have been suggested to the minds of others, and not unnaturally, for I remember that in a speech to your constituents at Nottingham you avowed your connection with *The Times*, and stated, with great taste and delicacy, that you felt that connection embarrassed you in your desire to take a proper share in the debates in Parliament. I should have made no further allusion to you—beyond that one regret that the speech of one of our own body should appear, to however small an extent, to give weight to aspersions and imputations on the House made elsewhere, and I should have gone on to say that if this insult were to be offered to the House, I did not regret that I should be brought in as an example to prove the rule as to the depth of baseness to which Members of Parliament would descend to retain their seats, as it gave me the opportunity of submitting some general observations to the House on the relations of the public press to the institutions of the country, and especially to the House of Commons, that we are now reforming; and as I believe you to be the proprietor of *The Times*, the leader in its councils, and more than any other man responsible for its acts, I think I may do the public good service if I can now induce you to weigh well the remarks now privately offered, but which, had I spoken last night, I should have given to the world. You combine in your own person the two most powerful attributes that an Englishman can possess, as a talented member of the legislative body and the supreme head of the press that governs the world. In both characters you have an immense responsibilities, and you are doubly bound to sustain the reputation of each of the bodies to which you belong. You do not require me to tell you that the character and honour of the House of Commons are the nation's best possessions, and it is therefore difficult to exaggerate the mischief that is done by the tone of low morality attributed to public men, and exhibited in itself by the most powerful organ in the country. There is nothing in which the press of England is so valuable, as for the fearless advocacy by each journal of its own line of opinions, when it is done with an honesty and consistency that command respect, and, at the same time, show a capability of feeling respect for all that is great and estimable in public life, with a full appreciation of the cares and anxieties and sacrifices of those acting under onerous responsibility; and who, while closely watched, should be justly and generously judged. The journalism of England, so honourably conducted, elevating the tone of public morality, and sustaining the character of public men, is of inestimable value in strengthening the national institutions; but it is nothing short of a national calamity when public opinion is influenced by great journals,

which, less mindful of the responsibilities than the privileges of the press, show themselves true to no principle, constant to no policy, and disdainful of all rules of public justice and morality. Now, you must excuse my taking the liberty of reminding you that there is not a leading man on either front bench that *The Times*, guided with such wonderful ability, and wielding such a terrific power, has not by turns lauded and calumniated, flattered and vilified. By turns it has vehemently espoused and bitterly vituperated every party, and advocated and abandoned every principle. And there is this painful and distinctive peculiarity about *The Times*—other journals are content with opposing the policy, or censuring the acts of the Minister; but *The Times* always tries to crush the man. For some years it seemed its special vocation to hunt down, ruin, and destroy Lord Palmerston, whose official life is now deemed vital to the nation. Lord John Russell was once the idol to be worshipped; but more recently he would have been driven altogether from public life, if the acrimony of *The Times* could have accomplished it. So, again, Lord Derby's first Administration was supported by *The Times;* but, in his second one, in the personal persecution of every leading member, it furnished only another instance of consistency and consideration, and thus with every public man that is capriciously—and personally, as distinct from politically—assailed, it is not criticism but extermination that is aimed at. The practical consequences of all this on our political condition are very serious. Governments and parties have been lately in a state of weakness and disorganization alike deplorable and dangerous; but all this is enormously aggravated, when all the vast machinery of *The Times* and its gigantic writing power are directed to one end—that of pursuing to the death, day after day, every leading man on whom, in turn, the nation (as *The Times* comes round to show) must rely; and doing this to an extent that their public acts do not justify. The result is that all our best public men become not only politically weakened, but personally discredited. Public principles are unsettled, and discredited also, respect for Parliamentary Government and political institutions is much shaken, and strong Government becomes impossible. I avow to you my deliberate and solemn conviction, founded on much observation and reflection, that the present confusion in our political world, is to a great extent owing to the manner in which every leading man and principle and cause have been damaged by the wavering invective of *The Times*. As I wish you to receive this before you go to the House, I have not time to remark on the personal influences by which *The Times* is supposed to be affected—on the peculiar influences that draw Mr. Delane to Lord Palmerston; and the anomalous position and proceedings of Mr. Lowe on the Treasury bench. They are the subject of comments which I will not now repeat, but which affect both the House of Commons and the press. If you receive my observations in the same frank spirit in which I make them, I shall be happy to follow them up by a further expression of views that may be useful to you. Few public men are in a condition to speak boldly to *The Times*. There are few men in Parliament, who, like myself, are so indifferent to party, to office, or to their seat, that they are as independent of *The Times* as the *The Times* is of them; and fear it as little as it fears them. As I am in that position, I have felt it a duty to tell you what may be useful truths, and in a plain, though not unfriendly spirit; and if they should have the effect of leading you to consider what I have said, and if you will permit your judgment to be influenced by it, I shall not regret the difference—I trust in that case only of a temporary nature—that has arisen between us, and which will have been productive of good results through a circle beyond ourselves. In saying I should have expressed these views last night, I mean, of course, the general views on the press, without personal allusions to yourself or others."

Having read that letter, by the permission, or rather in pursuance of the obligation imposed on me by the hon. Gentleman, I leave it without further comment, except that it shows two things—that I did not wish to make this a merely personal question between the hon. Member for Berkshire and myself; and that, as far as I am concerned, I have not necessitated the bringing the question before the House. Upon the general and important principle of the independence of the public press and its irresponsibility, I have a few words to add in reply to what has fallen from the hon. Gentleman who is its principal representative in this House.

MR. WALTER: I beg to explain.

MR. HORSMAN: I withdraw that expression. I sincerely regret the inadvertence in so describing the hon. Gentleman. Whence arises this doctrine of the irresponsibility of the public press? Every man in this House is in favour of the independence of the press, as all are in favour of the independence of Parliament; but does independence carry with it irresponsibility? Every Member of this House is, individually or collectively, responsible. The House of Lords is responsible. The Crown is responsible. Why is the public press alone to be irresponsible? It has been sometimes described as a Fourth Estate." It is a mighty institution. The first law of the Constitution is that there is no power, and there can be no power which is not accompanied by responsibility. In a Constitutional Government power and irresponsibility are perfectly incompatible. Why, then, is the public press, or why is *The Times* newspaper, to be the sole exception to the rule? Conventionally you may say the press is responsible, but practically you find that the press is irresponsible. Why? Because it is anonymous. But its being anonymous does not remove the responsibility. It only makes it difficult to enforce it. You cannot enforce it against a man working in the dark—having a mask before his face. When a

muffled figure, who plants a dagger, is not punished it is because you cannot identify him. Nor can you punish the midnight depredator whom you cannot catch. But the principle of responsibility applies equally to both. How does that affect the hon. Gentleman the Member for Berkshire? I am afraid that I now come to the somewhat painful part of the question, but at the same time a very important public part. By what law of public responsibility are Gentlemen connected with the public press and having seats in this House to be judged? I think the hon. Gentleman himself laid down that law on Monday night. I attempted in the correspondence with him—in courtesy to him—to detach from him any responsibility with *The Times*, but I now mean to fix it upon him. What was the leading element of the able speech of the hon. Member for Berkshire on Monday night? What was its most telling and effective part? Was it not the indignant and spirited rebuke administered to the hon. Member for Birmingham for speeches not made here but elsewhere? Did he not tell us that if we wished to see the hon. Member for Birmingham painted by himself we must read the *National Review?* What does that mean? Is not every Member of Parliament, in the independent exercise of his right, free to express his opinions and disseminate his principles wherever he pleases, in this House or elsewhere, provided he does not transgress any rule of public decorum and propriety? And was that not the reason why the Member for Birmingham was brought before the House and the hon. Gentleman executed on him his law of responsibility? Why, all of us feel that responsibility may be enforced on every Member wherever he acts, wherever he speaks, in his place or out of it, as it was enforced the other night by the hon. Member for Berkshire. Is the same rule not to be applied to himself? To Cæsar he appeals, to Cæsar he must go. He says he has no editorial functions with *The Times*—he does not know who was the writer of the article. Who, I ask, employed the man who wrote it? Who paid the man who wrote it? And if, Sir, he as the proprietor of *The Times*——

MR. WALTER: "A" proprietor or "the" proprietor?

MR. HORSMAN: As the leading proprietor of *The Times*. If the hon. Gentleman gets up and tells me he is not the leading proprietor I have done.

MR. WALTER: My proprietary interest in *The Times*, if the hon. Gentleman wishes to know, is of a very limited description. I have large property connected with *The Times*, wholly independent of a limited proprietary interest in it.

MR. HORSMAN: I am sure the House will feel that it is unworthy of the House and unfit in me to descend to a controversy with the hon. Gentleman the Member for Berkshire on the exact amount of his interest in *The Times*. The hon. Gentleman cannot deny that he has a leading interest and that he is the greatest authority in *The Times* office. I ask again, then, who employs the man who writes, who pays the man who writes these articles? And I say, if the writer received instructions from the Council of which the hon. Gentleman is a leading Member—if the writer receives instructions and remuneration from him, I want to know what is the difference between the hon. Member for Birmingham and the hon. Member for Berkshire as regards responsibility. Why, Sir, the difference is this and this only:—The Member for Birmingham goes on a platform in the face of day, avows his opinions before all the world, and braves the responsibility which is brought upon him in this House; while the Member for Berkshire employs another to do what the Member for Birmingham does himself. Because the Gentleman he employs works in secret his employer thinks he is to evade responsibility. I lay down boldly and confidently this principle, that between a public writer and a public speaker, on the principle of responsibility, there is no distinction whatever. The only distinction is as to the difficulty of identification and detection. If the independence of the press be assailed, every man in this House, and, I believe 99 out of every 100 men in the country, will raise their voices in its favour. I say, as to the responsibility of the press, that as in the responsibility of public men, it is the interest of the whole community to enforce full responsibility. If a Member of our own body out of this House makes a public speech which we feel lowers and discredits the body to which we belong, all are anxious that he should be called to account, all are anxious to enforce responsibility, the enforcement of which is a protection to our own character and honour. So it is with the press. It has the same interest in keeping up the character of public writers as we have in keeping up the character of public men; and if there be one organ which lowers the character of

the press, I say it is the interest of every man connected with the press to do all they can, not only to discountenance it, but to enforce responsibility against that organ which would otherwise throw discredit on that whole body of men who are not more distinguished for talent than for honour, taste, refinement, high principle, and a combination of all those qualities which make so many of the leading contributors to the public Press the favourites and ornaments of every society they enter. It is with extreme regret that I have had to say this to the hon. Member for Berkshire. I have sat with him many years in this House, and I have learnt to regard him with feelings of sincere respect. Although it is impossible that occasionally there should not have been an incidental recollection of his connection with the press, my wish has always been to regard him in a different character—as the representative of an important English county—as one who, while he does inherit a noble possession, which we are now discussing, inherits still more the position of a territorial proprietor, which puts him on a social equality with the greatest and noblest in the land. I believe he owes his seat not so much to his merely territorial position as to his personal character and virtues. I know that in his own neighbourhood few landlords are more popular. There is no man whose private life sets a better example in the estimation of all those who reside in his vicinity than that of the hon. Gentleman, and my sincere wish is that he may sit many years in this House, sharing more largely than he has hitherto done in those debates which, we all know, he has abilities to adorn, and receiving from us that respect and esteem which by his past demeanour among us he has fairly won, and to which personally he is eminently entitled.

VISCOUNT PALMERSTON: I hope this discussion may end at the point which it has now reached. It has not, so far as I can see, led to any result of greater importance than the causes in which it appears to have originated. For my own part, I should not have presented myself to the notice of the House on the present occasion were it not for the mention which my right hon. Friend has made of my name. My right hon. Friend has stated that for a certain period of time—now, I am glad to say, gone by—I was made the subject of very bitter attacks in the columns of *The Times*. Now, it is perfectly true that during a portion of my public life I was, so far as the newspaper press is concerned, one of, I believe I may say, the best-abused men in England. I, however, submitted with patience to the attacks which were thus made, and lived on in the belief that an answer to them would, sooner or later, be best furnished by my public conduct. It never occurred to me to rise in my place in this House and formally to complain of what had been, with no little bitterness, said against me; but whether my example in that respect is one which is deserving of being followed, or whether those who have taken a different course acted with more propriety, I do not pretend to say. My right hon. Friend has stated, I think, in the letter which he has just read, that he did not know what the influence was which drew Mr. Delane, one of the editors or managers of *The Times*, to me; and if by that statement he means to imply an endeavour on my part to exercise any influence over the line of conduct which is pursued by that journal, I can only say, in answer to this, in the words of Mrs. Malaprop, that I should be too glad to be able to "plead guilty to the soft impeachment," and to know that the insinuation which it involves was really founded on fact. But, if there are influences which, as the right hon. Gentleman says, have fortunately led Mr. Delane to me, they are none other than the influences of society. My right hon. Friend has observed, in that glowing address which he has just delivered to us, that the contributors to the press are the favourites and the ornaments of the social circles into which they enter. In that opinion he is, it seems to me, perfectly correct. The gentlemen to whom he refers are, generally speaking, persons of great attainments and information. It is, then, but natural that their society should be agreeable. My acquaintance with Mr. Delane is exactly of that character. I have had the pleasure of meeting Mr. Delane frequently in society, and he has occasionally done me the honour to mix in society under my roof. That society is, I may add, composed of persons of all shades of politics, of various pursuits; and I need hardly say I feel proud when persons so honour me without undertaking any other engagement than that which Mr. Delane always makes good—of making themselves very agreeable during the time of their stay. I have had the honour—and I need, I am sure, scarcely add that I esteemed it one—of receiving occasionally under my roof

the right hon. Gentleman the Member for Buckinghamshire and the right hon. Gentleman the Member for the University of Cambridge. The influences which led them to do me that honour were of the same nature as those which induced Mr. Delane to confer upon me a similar honour—the expectation of meeting agreeable society, and I trust they were not disappointed. I have had also myself the honour of being a member of the society which assembled under Lord Derby's roof, and in availing myself of that privilege, I did nothing more than that which the right hon. Gentleman the Member for Buckinghamshire, the right hon. Gentleman the Member for the University of Cambridge, or Mr. Delane did when they visited me; that is to say, mix on fair and equal terms in the society in which they met, and endeavour to make themselves agreeable while there.

Mr. DISRAELI: Before this discussion closes I should wish to extract from it some useful result. I would therefore request the House to bear in mind one observation which has been made in this discussion by the hon. Member for Berkshire—I allude to the disapprobation which he has expressed of the practice of quoting, in order to influence our decision, the opinions of articles in morning journals previous to the occurrence of the debate. I cannot help feeling that to quote the anonymous opinions of contemporary publications with that object tends to lower very much the tone and authority of our debates in this House where we ought to depend upon our own knowledge, our own powers of argument, illustrated, of course, by the opinions of those who may be called classical authorities in dealing with the subjects under our consideration. The practice, then, of enforcing our views by quotations made from anonymous contemporary writings is one which, I think, ought not to be encouraged. I should not consider it necessary to say more upon what has taken place this evening between the two Gentlemen who are more particularly interested in this discussion—and of whom, I may say—in passing, that they are both much respected in this House—were it not to express my dissent from the right hon. Gentleman the Member for Stroud with respect to the somewhat exaggerated view which he has taken of the press in this country. He stated with much seriousness, while referring to the Sovereign and the Houses of Parliament, that the press was "the Fourth Estate of the realm;" but that is not an accurate expression, and the use of it is, at the best, but the introduction of a species of slang phraseology into our debates. It is not true that the press is a Fourth Estate, and that therefore it holds a position of political responsibility. There is, no doubt, a responsibility attaching to newspapers, inasmuch as those directing them are subject, so far as their general conduct is concerned, to the laws of the country. They are also responsible to public opinion; and I for one cannot believe that a newspaper which is conducted with a total absence of principle, or which is employed in the particular manner in which, according to the view of the right hon. Gentleman, the journal in question is employed, could for so many years continue to possess that degree of patronage and confidence on the part of the public which it enjoys. As a general principle a newspaper must depend for its support upon public opinion, and although *The Times* no doubt sometimes sins greatly in the criticisms which it passes on public men—as probably most papers do—yet we must not lose sight of the fact that a free press is, after all, a great blessing, and we must not be too ready to find fault with what we may be disposed to regard as the errors which it may commit. The noble Lord who has just spoken very playfully reminded the House that he has been subjected in the course of his life to considerable criticism; but it does not, I am glad to find, appear to have done the noble Lord, physically at least, any harm, and, as for the moral effect of public criticism, I believe there are few public men who may not have derived from it some profit. I myself—if I may be allowed to speak of one who occupies a position so much inferior to that of the noble Lord,—have had my share of hostile criticism; nor can I pretend to say that when it was new to me it was quite so agreeable, or that I was quite so indifferent to it, as long habit has now made me. This, however, I may say, that, so long as the criticism is able and intelligent—I care not for its general malignity—one may derive from it some profit. I agree with the noble Lord that, on the whole, it is inexpedient to ask the House to be the confidant of our plaints whenever we may be subjected to severe remarks. If the public press in this country is to be a free press it is not for us to criticise with too much promptitude intellectual efforts which it must be remembered are written under conditions of immense

difficulty. And as for responsibility, we must always recollect that these enterprises are responsible to the general opinion of the country, and that public opinion cannot be enlisted in their favour unless it is found that, either by their information, their criticism, or the general intelligence which pervades their performance, they are, on the whole, of advantage to the community at large.

Motion, by leave, *withdrawn*.

REFRESHMENT HOUSES AND WINE LICENCES BILL.—SECOND READING,

ADJOURNED DEBATE.—SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment [2nd April] proposed to Question "That the Bill be now read a second time:" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word "now" stand part of the Question."

Debate *resumed*.

MR. AYRTON said, that this Bill had been introduced to accomplish three objects—first, to bring under the supervision of the Excise and the police, by a new system of licensing, all houses used for the purpose of providing food or refreshment for the people; secondly, to enable some of these houses, under certain conditions, to obtain licences from the Excise for the sale of wine, without first obtaining the sanction of justices of the peace as they were now bound to do; and, thirdly, to diminish the duty now paid by wholesale dealers in wine. He might dismiss the last of these as comparatively unimportant; but he objected to the Bill because it sought to attain the other two objects. His objections were totally different from those which had been pertinaciously ascribed to him without the walls of the House. No one who knew him would suppose that his opposition to this Bill was grounded on the interest of any class of traders. No one who had any knowledge of the course which he had pursued, both in and out of doors, could ever have imagined that he had objected to this Bill because it was opposed to the interest of the publicans. The first objection he had to make to the Bill was, that it proposed to lay a tax on those who were engaged in the sale of food to the people; and after the various efforts which had been made in this country to cheapen food and to give every facility for living at small expense, he never expected to be called on to discuss such a proposition as this in Parliament. It was clear that in making this proposal the Chancellor of the Exchequer had had his thoughts fixed entirely on the magnificent pastrycook shops of the Metropolis, and had not bestowed a thought on the numberless small shops which were to be found in the Metropolis, and in the large towns all over the country. The exemptions which were proposed for the shops in the small towns and in the rural districts were most unjust, not to say immoral; for while the large towns, which had a small share of representation in that House, were subjected to the tax, the small towns and the country districts, which had the larger share of representation, escaped altogether. He objected, also, to the tax because, if once Parliament commenced a system of levying taxes on shops, they must be prepared, on principles of strict justice, to levy a graduated tax according to the rent. They must face the consideration of the whole question, and not decide upon a single class arbitrarily selected by the Chancellor of the Exchequer. If shops of £10 rental were to pay one shilling in the pound on the rent, shops of £100 must also pay at the same rate of one shilling in the pound. The right hon. Gentleman (Mr. Gladstone) was scrupulously exact on every question of justice when an attempt was made seven years ago to levy a tax on shops and houses; and, because the Government of the day were not able to explain all the difficulties he raised, he said it was impossible even to go into Committee to consider the question submitted by the right hon. Member for Buckinghamshire. Yet the House was now invited by the Chancellor of the Exchequer to plunge into a system of taxation, selecting in the most arbitrary manner a particular class of shops, and without giving any explanation of the general policy on which he proceeded. The class of shops chosen for this experiment were the very last to be selected for taxation. If any class should be taxed they ought to be those which supplied the luxuries of the rich, the superfluities, not the necessaries of life. At all events, those which supplied food to the people should not be the first subjected to taxation. He therefore hoped the House would not proceed rashly with the measure submitted to their consideration, but first of all require an explanation of the grounds on which this new method of taxation was proposed.

The House should consider whether this system, once adopted, would not ultimately put a tax on every shop and compel every trader to take out a licence. The question would not rest with the poor shopkeepers. Once they were taxed, they would demand that the tax should be extended to every one engaged in industry; and the continental system of finance would soon prevail, under which every trader and manufacturer would be required to take out a licence, and pay a considerable sum for it too. The argument of the shopkeepers would be, that 5 per cent on their rental was as large as 5 per cent on the rental of any other trader, and they would require that all persons engaged in industry should pay one shilling in the pound on their rental. Were they prepared to embark on such a system? The Chancellor of the Exchequer could not avoid this question. He was asking the House to impose a new duty, and he was bound to state whether he was going to adopt the policy of the French Government, and require every man engaged in business to take out a licence from the Crown, and pay on some principle proportioned to its magnitude. The subject required much further elucidation before they could safely proceed to impose such a tax. We were in a transition state. The income tax was sanctioned for one year; it was a temporary arrangement; but this new tax was not a temporary one; it promised to be permanent, and if adopted at all must be extended. It was necessary to come to some clear understanding with reference to the income tax, whether the Chancellor of the Exchequer intended now to make arrangements with a view to its remission at the earliest period, or adopted the policy of others who claimed to be associated with him in finance, of keeping on the income tax and making its increase or diminution the mode in which the increase or diminution of expenditure was to be met in that House. That was the spirit in which the Budget had been supported by those who claimed to be junior partners with the right hon. Gentleman in the firm recently established. Were they, then, proceeding on the principle of putting an end to the income tax altogether, in accordance with the opinions again and again expressed by the Chancellor of the Exchequer, or on the principle of maintaining it as a permanent tax? A tax of this nature on a class of shops that were very numerous and intimately connected with the supply of the community's wants was one of serious import, and when thoroughly understood and put in practice would evoke a spirit of hostility to those connected with it which at no distant day they would be the first to regret. But the proposal to facilitate the sale of wine by granting licences to pastrycooks and confectioners was by far the most important part of the question. He hoped the House would not hastily or inconsiderately entertain a proposition of such immense practical importance as this without being fully satisfied that a necessity existed for new legislation on the subject, and that such legislation would promote the objects contemplated. The Chancellor of the Exchequer dealt with this part of the subject in a somewhat remarkable manner. He said he would not consent to the reduction of the wine duties unless he were satisfied that he could obtain new channels to extend the sale of the commodity, and that such a measure would not be injurious to public morals or tend to promote the inebriety of the people. In reply to the deputation who waited upon him, the Chancellor of the Exchequer stated that he proposed to consider the question upon its moral tendencies and the probability that it would increase sobriety, and that any considerations as to revenue would be of secondary and trivial importance. But in the House of Commons, although he connected his measure with the promotion of sobriety, he yet shadowed out to the House, in language which was not to be misunderstood, that he regarded the measure as one which was necessary in a financial point of view, and that he would understand Members, according as they supported or opposed it, to be favourable or unfriendly to the financial scheme of the Government. He hoped they might now understand that in discussing a proposition to alter the laws which had hitherto been found best for maintaining the morality of the people, they were to proceed irrespective of considerations of finance. Those laws were good and wise as far as they went, but he believed some extension of the power to repress the sale of intoxicating drinks might be made with advantage, and with this object they ought to be reconsidered at an early period. Under them authority was given to justices of the peace to license the sale by retail of all kinds of intoxicating drinks, except beer; licences to sell beer of intoxicating quality could be obtained on complying with certain conditions which might be easily evad-

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ed; and beer of such inferior quality as to be unintoxicating could be vended without any licence whatever. Inquiry might, in his opinion, take place with advantage as to whether the restrictions imposed on dealers in beer had accomplished the purpose which was intended, or whether new regulations should be devised. The complaint of the Chancellor of the Exchequer was that, owing to the effect of the law having been to separate the trades of eating and drinking, and thereby to encourage instead of repress drunkenness, it was necessary for him to propose new legislation. Was there any foundation in fact for that assertion? He totally denied that the operation of the law had been attended with any such result; and, if he were right, the main reason for the Chancellor of the Exchequer's Motion would entirely fail. He challenged the right hon. Gentleman to state in how many public-houses the trade in intoxicating drinks was carried on apart from that of eating. He did not believe that any means of obtaining such information existed, but if he were to speculate on the point, he should say the number of cases where the trade was so divided did not exceed 5 per cent. So little doubt existed on this point that early in the reign of James I. a declaratory Act was passed, reciting,—

"Whereas the ancient, true, and principal use of inns, alehouses, and other victualling houses, was for the receipt, relief, and lodging of wayfaring persons, travelling from place to place, and for such supply of the wants of such persons as are not able by greater quantities to make their provision of victuals; and were not meant for the entertainment and harbouring of lewd and idle persons to spend and consume their time and money in drunken and idle manner."

The law continued the same to the present day, and it was a dereliction of duty on the part of justices of the peace to grant licences without seeing that the houses in question contained suitable accommodation for persons who might be in need of it. He was free to admit that justices of the peace, especially in large towns, had not been as exact as they ought to be on every occasion. Under the old corporations much corruption had existed, and in the Metropolis there had never been proper sympathy between the justices of the peace and the inhabitants; but he denied that the general rule of conduct of magistrates throughout England had been to grant licences unless the requirements of the law were fulfilled. The consequence was that even in the smallest towns and villages in England an amount of convenient accommodation was obtainable which was unknown in any part of the Continent. If an innkeeper refused to give food and accommodation, he was liable to indictment for a criminal offence. What right, therefore, had the Chancellor of the Exchequer to say that, because the trade of eating and drinking had been separated, he would abolish the control which had been so beneficially exercised? Granting licences for the sale of spirits to places that did not provide the general accommodation of a public-house was an encroachment of the last few years. Still, the number of houses set up as gin-palaces was comparatively few; they formed but a small percentage of the great body of public-houses throughout the country. The abuse of the law on this point was rather a reason for strengthening than abandoning it. The beersellers even argued, in their memorial, that their houses were better calculated to bring wine into consumption among the working classes than establishments opened for the purpose, because the working men resorted to them already for their food and other entertainment. It was, he believed, a common practice for workmen and others to buy meat and take it with them to the public-house or beershop to be cooked. The system under which beer and spirits were at present sold was of so rational a character that there was not the smallest necessity for disturbing the system of licensing. But it was contended that giving greater facilities for the sale of inebriating drinks would promote the temperance of the people. This indeed was a paradox. The more he examined it the more he was convinced it was utterly fallacious. The only way to promote temperance was to diminish the facilities for drinking. The opposition to the Bill was founded on this intelligible principle — that the intemperance of the people was precisely in proportion to the opportunities given for drinking, and the number of drinking-houses established. If he differed from the great body called the Alliance, it was not on its principle, but on the extent of its application. He did not think they could at once suppress every public-house in order to create temperance. It was a question of degree, and he accepted the principle to the extent to which it could be carried by practicable legislation. But there were few questions of opinion on which a greater mass of experience and evidence had been collected, not only as to England, but other countries. It proved

that wherever there was an extravagant number of drinking-houses, there would be found an extravagant degree of drinking. This was an opinion confirmed by all writers who had been great observers of manners, such as Goldsmith and Smollett. The Bill disregarded this principle and the Chancellor of the Exchequer asserted that he could effect a reform by coupling eating with drinking. If the Chancellor of the Exchequer could carry out his principle, what was the law he would have to propose? He must declare that no man should have anything to drink unless he had something to eat. If he did not enact that the seller must give his customer food before he supplied him with drink, the conditions which this legislation would impose on the trade would be of the most illusory and futile character. All that they required was that a man should say that he sold food, and then he could have a licence to sell drink. Under the existing law, however, the licensed victualler was under a legal obligation to provide the public with food as well as drink. The absolute power now confided to justices had been intrusted to them precisely because the legislation now recommended by the right hon. Gentleman had entirely failed. It was found impossible, owing to the evasion and fraud of these tradesmen, to obtain a conviction against them; and it was therefore necessary to invest magistrates with the general discretion they now possessed in this matter. The Chancellor of the Exchequer sought to revive the special legislation dictated by the wisdom of the reign of James I., which did not attain the object for which it was devised. The right hon. Gentleman wished to extend to the poor man the benefits which the rich derived from their clubs. The answer to that was, that the people could establish clubs for themselves, the law making no difference between rich and poor in that respect. The people might hire rooms, buy their own wine, have their own refreshments, and enjoy every convenience that was secured through the medium of a club to its own members. And why did they not do this? Because they did not possess the same self-restraint as the higher classes of society. Not having this good quality developed in them in the same degree, they were unable to follow the example of the rich; and therefore they went to the public-houses, where they were exposed to the temptations to which they too often succumbed. It was no kindness to the working people to give them increased facilities for the gratification of their appetites, and legislation ought to guard them, as far as possible, against the consequences of their want of self-control. Men surrounded with every luxury, and with no temptation to indulge in brutal excesses, could not properly appreciate the position in which the working classes were placed. Toiling all day long, until they were often physically exhausted and depressed in mind, with no mental resources, and none of the pleasures within the reach of the wealthy, the labouring classes almost of necessity plunged into the grosser enjoyment and excitement produced by spirituous liquors. Sometimes employers held out strong inducements to over-work, which rendered the workman the easy victim of intemperance, and thus it had almost passed into a proverb that a good workman was often a great drunkard. This was an especial reason why the temptations to intoxication should be restricted as much as possible. The Chancellor of the Exchequer had represented that there was something so charming in wine that wherever it existed in profusion sobriety was found to reign supreme. That was a very pleasing doctrine; but unfortunately it was not supported by experience. The late King of France—a man of the largest experience and most moderate views of public affairs—had declared it as his opinion that the drunkenness of France was occasioned by wine—that in one part of his kingdom much intemperance was caused by gin, but that wine was the great source of the evil. This was confirmed by those who had seen the horrors and debasing effects resulting from the practice of the common people resorting to the wineshops outside the barriers of Paris, where they obtained the article free of duty. What was the opinion in the *Household Words* ascribed to Mr. Dickens, of the inestimable advantages derived from the free wine-shops of France? It must be remembered that travellers in general only saw things on the surface; they went chiefly through fine streets and into places of fashionable resort, and saw only the polished surface of society, which led them often to think, "All is virtue abroad!" while their more minute and truthful experiences at home induced them to say that there was nothing but vice in their own country. The moment, however, that persons went abroad to make this

[*Second Night.*

the subject of special inquiry, quite another account was given. Mr. Dickens said that the wineshops were the colleges and chapels of the poor in France where the professors of evil continued every day their lessons, where falsehood, theft and assassination were talked of and encouraged, in the midst of a moral pestilence of envy and vengeance, by the men of crime and of revolution. That was an illustration of the advantage which the Chancellor of the Exchequer expected to result to the poor from the establishment of these charming places in England. "I should be delighted," said the right hon. Gentleman, "to exchange the intemperance of Paris for that of London." But he (Mr. Ayrton) would by no means like to see such an exchange, as he believed English people would by no means be the gainers. What would hon. Members think when they were told that if the population of England consumed wine and spirits in proportion to the consumption in Paris they would drink 404,000,000 gallons of wine and 29,000,000 gallons of spirits every year? This showed we had nothing to gain by an exchange with Paris. He had recently received a letter written by a gentleman who had gone into some of the wine-drinking streets of Paris. In one establishment this gentleman saw 500 men, women, and children drinking; and he was told by the proprietor that the day before (Sunday) there were 2,000. Hundreds were more or less intoxicated. In another of these wine places the scene beggared description —one man was dragging another out by the hair into the lane, and he was informed by the cabman that he had seen from 80 to 100 lying drunk at a time in one room. Such facts as these ought to dispel the halo of poetry which the Chancellor of the Exchequer had thrown around this question by describing a wine-producing country as an Elysium; whereas, when you could penetrate behind the scenes in Paris, you found a debasement and intoxication which rivalled, if it did not exceed, anything in the vilest places in England. At Nantes, which was situated in a great wine district, so much wine was drunk before the vine disease showed itself, that a proportionate consumption in this country would amount to 1,100,000,000 gallons. At Nantes a little beer was consumed, a little cider, a harmless drink called hydromel, and no spirits at all. According to the theory of the Chancellor of the Exchequer, therefore, temperance ought to exist there; but the official report of the English Consul, on the contrary, showed that drunkenness was common, and temperance the exception, and that of the country farmers who came to market nine out of ten returned home in a state of intoxication. If that were the state of things in a wine district, what was likely to be the case here? There was an absurd theory afloat that whenever there was plenty of wine there must of necessity be temperance; but there was a much sounder theory that in wine countries the people were generally poor, and could not afford to buy the strong wines that would produce intoxication. But the point to be considered now was what would be the effect of these facilities for obtaining strong wines on the part of a population whose wages were high enough to enable them to purchase it. No doubt he might be told that we must not expect to have strong wine so much as cheap wine; but if that were true then the grounds upon which the Budget had been based were unsound. One of the chief arguments of the Chancellor of the Exchequer was that we were to have cheap wine, and the question remained whether it would be strong. He (Mr. Ayrton) thought it could be demonstrated that the wine chiefly imported would be of the strongest kind. We had made a convention by which merchants could import 100 per cent of proof spirit in the shape of wine at a duty of 5*s.* a gallon, while the same quantity of spirit in the shape of brandy could be imported only at a duty of 8*s.* 6*d.*, the Excise duty on gin being 8*s.* There was, therefore, a premium of 3*s.* 6*d.* in favour of introducing spirit in the shape of strong wines. They had the authority of M. Chevalier that wine containing 100 per cent of alcohol could be imported into this country at a cheaper rate than it could be possible to produce the same quantity of spirit in the shape of gin. Therefore it was clear we should have the name of wine used as a mere cover for the importation and sale of spirits. At present gin was reduced by the retailers by dilution to about 50 per cent of spirit, and yet wine containing 40 per cent of spirit was to be admitted at a lower duty. The whole history of trade was full of examples of the ability of dealers to avail themselves of regulations for their own benefit, and this had been shown in a remarkable degree in the case of wine. In Spain and Portugal the trade in wine was factitious; spirit was thrown in to give fire and strength, and because

our system of levying duties had made it profitable to do so. This was not a question of light wines, for in this country light wines devoid of strength would never be drunk. When it was said that the Treaty would give us nothing but light wines, he asked the House to form their own opinions by the experience of Paris itself. M. Chevalier, remarking that we should have wine cheaper in this country than it was in Paris, described the wine sold in that city in these graphic terms:—"In the cabarets of the barriers of Paris, one finds nothing but wine doctored and mixed in twenty ways." But what security was there that wine would come to the English consumer any purer if less noxious than the Parisians obtained it. He believed that the statement of the Chancellor of the Exchequer on this subject was the result of some communications from those who seemed to believe in free trade almost as a religion, and to think that if every one were allowed to buy and sell as he liked, we should have nothing but virtue and happiness throughout the world. That, however, was a totally erroneous view. Even Manchester itself saw this, for there was no body of justices who were more impressed than the justices of that city with the inapplicability of the principles of free trade to the sale of intoxicating drinks, and it was gratifying that they had discovered some limits to the theory of free trade. It was a total misconception to think that free trade meant freedom in the sale of that which was injurious to society; for the true doctrine of free trade was—that you should have freedom in conducting trade to promote the welfare of society. But the moment you ceased to do that you forfeited your freedom; and the House had a right to come forward and say, "You shall not, under the name of freedom, do that which is wrong, and tends to promote immorality and vice." The Factory Act and many other Acts proceeded on this principle. For centuries the Legislature of this country had said that the sale of intoxicating drinks was not to be considered in the ordinary course of trade, because it had a most serious effect in reference to the welfare of society, and this was the principle which he sought to maintain. Let hon. Members recollect for a moment the consequences which would ensue from entering on a mistaken path. If they took a wrong step in this direction, they would add to that great category of misery and vice which pervaded the country; whilst if they should err in the other direction, by leaving things as they were, they would do no mischief, even if they did no good. The Chancellor of the Exchequer said that he could not afford to create new interests; but what would he do by this Bill but create new interests?—for the people licensed under this Bill would surely complain if any subsequent legislation interfered with them, even though their interests were evidently founded on public demoralization. This was a good ground for leaving the matter as it was until they should have to deal with it for a very different purpose than merely to increase the revenue. They were told that intemperance was the source of almost all the evil and crime which afflicted this country, and they knew by long experience that intemperance was produced by the number of houses which were opened to promote it; and he, therefore, trusted that the House would pause before they gave increased facilities for such a purpose, and that they would consider that the best course to pursue was to reject this Bill, and to stand by the principle that those who dealt in intoxicating drinks were not to have freedom of trade, but were to be subject to any extent of control which the community should think right to impose. He hoped that the Chancellor of the Exchequer would be induced to take a better view of the case, and that he would no longer give himself up to the delusion that by opening new sources of intemperance he would promote the temperance of the people.

MR. LIDDELL said, his objections to this Bill were very simple. He objected to it because, disguise its provisions as they liked, and apply to its provisions whatever plausible arguments they liked, it was a proposal to encourage drinking—and drinking in company away from home—and, above all, it would be likely to affect a class that had not hitherto been addicted to habits of drunkenness, namely, the middle classes of the community. The Chancellor of the Exchequer himself, said he did not anticipate that if this Bill were passed, there would be much reduction in the consumption either of spirits or beer; and, that being so, it was perfectly clear that it was not the classes who now consumed beer and spirits that were expected to consume wine. Then a new class of drinkers was to be encouraged from among those who were too proud or too well conducted at present habitually to frequent the public-house. This Bill, in fact, was

framed to introduce into this country for the first time the kind of house that was known on the Continent as the *café;* but nobody who had lived abroad and seen the habits of the *café* frequenters would desire those listless, lazy habits to be introduced among the young men of this country. It was to be feared that those who could afford to pay for wine would not frequent these places much during the week, and that Sunday afternoon would be particularly chosen for this purpose. He should be the last person to throw any impediment in the way of innocent recreation of the working and industrious classes on Sundays, and he was glad to see cheap trains to take them into the country; but just as this habit of going into the country was becoming somewhat general they were about to introduce a new sort of temptation to stay in the town:—in all our large towns we should have the *café*, where on Sunday afternoons the youth of both sexes would congregate, substituted for the cheap excursion trains which carried thousands of our hard-worked population and their families into the country for fresh air and innocent enjoyment. Let them see on what the case for this Bill really rested. It rested on the simple assertion, hitherto almost uncontradicted, except in the able speech which they had just heard, that a public necessity existed for the increased sale of wine, and that new channels must be opened for that purpose. The Chancellor of the Exchequer said that there were 63,000 licensed victuallers in England, but that only 25,000 of them were licensed for the sale of wine. Now there were 7,000,000 adult males in this country, and therefore we had already a wine-shop for every 280 of them; in addition to which there was a wine merchant in almost every street who sold wine by wholesale, not —which was a great recommendation—"to be drunk on the premises," but in private houses for the comfort of the inmates in family and social intercouse. It was said that there would be a certain amount of convenience in allowing a person to have a glass of wine in a confectioner's shop; and if they could stop there he (Mr. Liddell) saw no reason why this should not be conceded. But the Chancellor of the Exchequer expected them to believe his very broad statement as to the absolute necessity that existed for the establishment of places where people could have eating and drinking combined. But let any Member walk along the Strand, Oxford Street, Piccadilly, or Cheapside, and he would find almost at every interval of 100 yards dining rooms fitted up with every imaginable comfort, where persons would find every provision made for combining those two great delights of life, as the Chancellor of the Exchequer termed them—eating and drinking. Consequently, it was by no means true that, so far as the Metropolis was concerned, means did not exist for furnishing every requisite refreshment. There were persons who had advanced as an argument in favour of the Bill, the fact that refreshment rooms existed all over the country at the great railway stations; but that he thought was a great argument against the Bill, for it showed that whenever the public convenience required it there were refreshment places opened, proving that there was no necessity for any new law. If a law was a good one it would work well and not become inoperative, but if bad it would restrict trade and become unfavourable to the public interest and be mischievous. He believed that the existing state of things showed that there was no necessity for the proposed new law. The Chancellor of the Exchequer wished it to be believed that these refreshment houses were to be depôts for the sale of pure wine. They were about to open the door to the establishment of a great amount of competition in the sale of wine; but did they ever find in any trade that excessive competition conspired to produce a good article? Did not the evidence before the Adulteration Committee prove the contrary? The wider they extended the field of competition the more inferior would be the articles and fraudulent practices would be resorted to in order to obtain custom; and if that had been found to operate in the case of other articles, *à fortiori* would it not happen in the case of wine? His belief was that a very large quantity of spirits would be disposed of in these refreshment places. He was justified, he thought, in saying this from the Report of the Licensing Committee and other high authorities. The Chairman of the Inland Revenue, in his evidence before the Licensing Committee, said there was always a great temptation to those who had beer licences to sell spirits, and that the great difficulty felt by the Excise and police in dealing with the beer licence was the great opportunity it gave to the evasion of the law and the supply of spirits. What reason was there to suppose that a person having a wine licence was not liable

to the same temptation? The next authority, Sir Richard Mayne, said that under the vintners' privilege, though they had the privilege of selling wine only, he believed they sold other things, and that it was very difficult to say whether it was wine or spirits that was served out in glasses, and to prove it in evidence. With these facts before them he could not understand how the Chancellor of the Exchequer could guard against illegal and perhaps immoral practices taking place in these wine shops. But another portion of the Bill seemed to contain more evils than the whole of the rest put together, in the permission that it gave to every sort of shop to sell wine in small quantities by retail. He could speak from personal knowledge of the effect that this was likely to produce. When in Belgium, he visited a remote village, in which was a very large store, where every kind of article was sold, and which was immensely frequented by the surrounding population. He asked the owner how it was he attracted such immense custom? to which he replied that he had a sovereign remedy for drawing custom, for to every customer who bought an article he gave a small glass of spirits; and in that way he drove an enormous trade. Did the House, he would ask, wish to introduce that system into this country, and hold out inducements for its adoption by the small dealers of this country? Mr. Haughton, a gentleman from Ireland, examined before the Licensing Committee, said that a great deal of evil attended the practice of allowing grocers to sell spirits in Ireland, and that it caused a great deal of drunkenness amongst domestic servants. Did they imagine that if the sale of wine was legalized in shops, it would not be sold, or perhaps given, to attract custom; and did the House wish to see the system encouraged? It, moreover, seemed to him to be a most unusual course to ask the House to legislate for the sale of foreign articles in this country. He had voted for the Commercial Treaty with France on the broad principle of increasing the commercial intercourse between the two countries: but he confessed he often blushed at the amount of error which appeared to manifest itself in working out the details of the Treaty. However that might be, he thought that to legislate for the introduction into this country of a foreign commodity, and to legislate for its sale, were two different things. The latter was a matter which ought to be left to the ordinary operations of trade. The arguments used in favour of the measure were identical with those used in introducing the Beer Act; but experience proved that the unrestricted sale of beer had been attended with the most mischievous consequences to the morality of the community, and he would rather encourage the sale of some beverage that would give a stimulus to English production, such as hops and barley, than create new channels to carry off the dregs and refuse of French and Spanish vineyards. What were the safeguards provided against what might be said to be the abuse of this Bill? There was a rating clause that provided that no house rated below £10 should have a licence to sell wine. Did that operate with regard to beerhouses? No, it only opened the avenue to fraud. The effect of it was that the party went to the overseer, and getting the overseer to rate him to the requisite amount, whether the value of the house warranted it or not, he succeeded in obtaining his licence; and the same thing would happen with regard to these winehouses. Then with reference to the forfeiture of licence, the same law and power existed in regard to the publican and the beerseller—did it operate to prevent a vast amount of immorality, for the perpetration of which they were going to open up a new description of business? The Chancellor of the Exchequer ridiculed the notion that the magistrates of this country were to be the judges of the amount the people should be allowed to consume. If the Chancellor of the Exchequer could invent a mode by which the same amount of control over public order could be arrived at, the magistrates would in a body thank him for being relieved from what was a most delicate, odious, and invidious function. In saying this he believed he spoke the feelings of a great mass of the magistracy. But as long as the House placed control over the sale of liquor, to whom could it be better entrusted than to those who were the guardians of order and the poor? And so far from increasing that which was the greatest evil in the way of magisterial control, if they wished to increase their authority and not diminish their responsibility, they would, instead of opening up new classes of excise licences, place under their control all these houses including the beershops. If it was contended that the magistrates were not the fit persons to judge of the wants of the community, let them find out a fitter body, and relieve the bench of magistrates. But

virtually this Bill gave the magistrates no power or authority in the initiative in this matter, because, after all, all the magistrates had to do, was to ascertain whether the house was an eating-house within the terms of the Act and not a disorderly house; and any one who wished for a licence would take care that his house was well-conducted for some months previous, and there was nothing more easy than to comply with the stipulation. Virtually, there was no control. The magistrates were allowed to have control afterwards; but it was so odious and difficult to exercise it, that he thought no two magistrates in the country would be found to exercise the power given in this Bill. It did not give them the right power at the right time, and it gave them the wrong power at the wrong time. There were penalties, no doubt, many and severe; but an Excise licensed house was an evil against which no amount of penalty was available. It was a hydra-headed evil that produced and reproduced itself as fast as you put it down. If they deprived one of its licence half a dozen more would spring up. He positively denied that public convenience called for the Bill. It was true that a quarter of a million persons had signed petitions against the Bill, chiefly perhaps under the organization of the licensed victuallers and the Temperance Alliance; but there were 480 petitions presented from public meetings, which he took to be a far more correct representation of public opinion. In conclusion, he might state that he had presented a petition expressed sagaciously, and with much foresight, from 400 of the women of Newcastle—the wives, sisters, and daughters of working men there—in which they said they believed that the enlargement of the channels for the sale of foreign wines would not tend in any degree to increase the enjoyment and comfort of their homes, but that it would seriously tend to the promotion of drunken and demoralising habits, and they wished it to be understood that neither they nor their families sought for enlarged means for the sale of wines on the premises, being convinced that such a liberty would prove highly objectionable, and materially interfere with their domestic comfort.

MR. ALDERMAN SALOMONS said that, representing an extensive district, he wished to explain to the House his reasons for supporting the second reading of the Bill. There were three classes of persons who combined in their opposition to the Bill. First, the licensed victuallers, who thought their interests would be affected by it. If he really believed that the interest of so large a class of the community, who had embarked a great capital in their trade and had been protected for so many years, were endangered by a Bill introduced for revenue purposes merely, he would not support such a measure. The second body of persons were the teetotallers, who were adverse to any legislation whatever from which the extension of the sale of intoxicating liquors might be in any way encouraged. The third parties who were affected were the beersellers. With regard to them there could be no doubt the beerhouses established throughout the country in rural districts were often a great nuisance to the surrounding neighbourhood. The question, however, he would put to the House was this—was the law now in a satisfactory state when it did not enable a respectable man with a lady to get a glass of wine throughout the whole Metropolis unless he went to the bar of a public-house or of a gin-shop? This seemed to him to be a species of barbarism not at all desirable. Then, he might ask, was the trade in fermented liquors at present in such a condition as required no amendment? Look at the state of the Haymarket and the streets adjacent at a late hour of the night. Was that district in a state satisfactory to the public, whether they viewed this as a religious country or even as a country where licences for houses were now necessary? By the Bill a great public want might be supplied without interfering with any existing interests. Having had some experience as a magistrate, he could say that they need not be scared away by the many phantoms which had been conjured up as to the effect of increasing the number of licensed houses for the sale of intoxicating drinks. The City of London, in proportion to its size, had a larger number of public-houses than any other part of the kingdom. While Manchester, with a population of 347,000 persons, had only 485 public-houses, the City of London, with a population of only 130,000, had as many as 645 public-houses and 187 beershops, or a total of 832 houses. There were probably not sufficient licensed public-houses in Manchester to meet the public wants, and it might be better to have more of them and fewer beerhouses. Coming annually under the supervision of the magistrates, public-houses gave a better guarantee that they

would be well conducted than could be obtained from a beershop under licence from the Excise. The Bill contained many errors, and rather than that it should pass in its present shape, he would vote against the second reading; but he believed it was capable of amendment in Committee. So far as the Bill provided facilities for the sale of wine to those who wanted it, it was a good measure. In the City of London almost every pastrycook who desired a licence from the magistrates could get one; the only condition imposed being an honourable understanding that he would not open on Sundays, nor after eight o'clock at night on other days, nor convert his house into a ginshop. Yet in no part of England did so much sobriety and good order prevail as in the City of London. What was wanted was a class of respectable cheap eating-houses where persons who had occasion to be from home might obtain suitable refreshments. There was no occasion for these houses being kept open late at night. The most objectionable part of the Bill was that rendering it necessary for every house for the sale of any refreshments to have a licence. It certainly seemed monstrous to require a baker, who sold a few buns or biscuits over his counter, to take out a licence; and he could not help looking upon such a provision as an improper and unfair interference with the freedom of trade. He was for limiting rather than extending the hours in the evening to which these new refreshment houses might keep open, and he would fix nine in winter and ten in summer. But with regard to placing them under the supervision of the police, he would ask hon. Members how they would like, while they were regaling themselves at Gunter's in Belgravia, or Farrance's in Spring Gardens, or similar places, to see a policeman come in to take a survey of the premises and of those who frequented them? Believing, however, that the Bill might in Committee be made not only unobjectionable but even popular, he should vote for the second reading.

Mr. PALK said, that the principle of this Bill was to increase the consumption of intoxicating liquors. If a stranger were to be informed that this Bill, which had met with so much applause, was based upon the principles which had been repudiated thirty years ago, and that the arguments of the Chancellor of the Exchequer in bringing it forward were those used by a former Chancellor of the Exchequer (Mr. Goulburn) in 1830, he would express his astonishment; but if he were further told that the grand financial scheme of the right hon. Gentleman rested entirely on the consumption of spirituous liquors, and that the great bulk of his changes would lead to the demoralization of the country, he would only exclaim, "*Quem Deus vult perdere, prius dementat.*" That was the real tendency of the measure. He did not dispute that the Bill might be amended in Committee, but he objected to the principle of a measure which was to increase the consumption of intoxicating liquors; for if the Chancellor of the Exchequer did not succeed in creating a demand for French wines, the revenue which he expected to obtain from that source would not be forthcoming, and his scheme so far would be an entire failure. Mr. Goulburn, when introducing the Beer Bill in 1830, used very nearly the same language which the right hon. Gentleman held when he recently brought forward his Budget. When Mr. Goulburn introduced the new licensing system in 1830, he denied that any injury would be inflicted on the morals of the people by an increase in the number of public-houses, and said that the Bill would at once conduce to the comfort and health of the people by affording them cheap and ready means of obtaining a more wholesome beverage, by removing them from the temptation of the common alehouse, and introducing them to other houses which would be surrounded by greater securities for good order. The present Chancellor of the Exchequer said that by this Bill wine, which had hitherto been a luxury confined to the rich, would now become a means of comfort to the poor; and he compared the intemperance in Paris with the intemperance in London. But it appeared to him (Mr. Palk) that to the intemperance of London that of Paris must be superadded, or the Chancellor of the Exchequer's scheme must prove a failure. Mr. Goulburn said in 1830 that there would be no increase in immorality by the increase of public-houses; but what took place? In 1834 a Committee of the House of Lords was appointed to inquire into the evils of drunkenness, and they reported that those evils were to be attributed, to a great extent, to beershops. In 1849 the Lords had another Committee, and they came to the conclusion that the multiplication of houses for the consumption of intoxicating liquors, which, under the Beer Act, had increased from 88,930 to 123,396, was an evil of the first magni-

tude, as it not only increased the temptations to drink, but induced respectable publicans, under the control of the magistrates, to adopt practices degrading to their character and injurious to morality for the purpose of attracting custom to their houses. What safeguard had they that the very same thing might not happen if they passed this Bill? The Chancellor of the Exchequer was about to create a new demand for a liquor which was not now one of great popularity, but he had failed to show that the demand for French wines would lessen the demand for spirituous liquors or promote the cause of morality and good conduct. He was positively reversing that course of progress and improvement which had guided the policy of the country for many years past. Parliament had attempted much of late years to promote the education, the religion, and the amusements of the poor; it had founded institutions for the reformation of juvenile offenders; and having by these means given a high tone of morality to the public policy, the right hon. Gentleman would extinguish all the good that had been done by establishing free trade in drunkenness. To make his scheme realize his financial anticipations, the Chancellor of the Exchequer must erect foreign intemperance upon the intemperance of England, and the intemperance of wine upon the intemperance of spirituous liquors. His experience convinced him that the greater the facilities for drinking, the more drunkenness was multiplied. England was, indeed, arrived at a pitiable state if she could not do without a revenue derived from the degradation of the people. He trusted that hon. Members would not, for the sake of the trifling sum this Bill would raise, vote for a Bill in which the slightest error was of the deepest importance, because it would make or mar the labourer and artisan, the strength and wealth of England. Believing the principle of the Bill to be vicious, and its action most injurious, he entreated the House to refuse it a second reading.

MR. VINCENT SCULLY said, that if any consideration could induce him to support this Bill, it would be the deep respect he entertained for the Chancellor of the Exchequer. It was with the greatest reluctance, therefore, that he differed from the opinion of the right hon. Gentleman in reference to the present measure. He had considered the subject very carefully, and had taken into view the possible extension of the measure at some future period to Ireland; for if it was good for the one country it was good for the other. This measure had been applauded on the ground that it was a part of a great scheme of finance; but it could only increase the revenue by increasing the sale of intoxicating liquors, and by permitting the sale of wine, free of those restrictions that were put on the sale of beer and spirits. It was assumed that a large quantity of wine would be consumed, over and above the present consumption of wine, beer, and spirits—

> "That those would drink who never drank before,
> "While those who always drank would drink the more."

He suspected that some were tempted to support the measure, merely to show that they were entirely independent of the influence of the licensed victuallers; while others supported it, from dislike to the teetotallers. He was not under the influence of either of those parties. He had no interest in the licensed victuallers of this country, though he had in those of Ireland; and he was not a teetotaller, or anything of the sort. But when he found that those two extremes of opinion united in opposition to the Bill, he could not resist the conviction that there must be something wrong about it. He had received a letter from Mr. James Haughton, of Dublin, a distinguished advocate of the total abstinence principle, pointing out that the tendency of the measure would be to increase intemperance and to create an appetite for intoxicating liquors among young people of a higher class than those who were in the habit of frequenting the public-house. The hon. Member for Greenwich (Mr. Alderman Salomons), who had professed to speak in favour of the Bill, had really spoken against it, for he objected to the inspection of pastrycooks' establishments by the police. At present no one hesitated to permit his sons or daughters to visit such places; but there would be no little danger in doing so if the children were to find people sitting drinking there, and to be supplied with any quantity of wine, while the police were not allowed to inspect the establishment. There were some very nice teashops in Greenwich, but what respectable man could venture to allow his children to enter such places if they were turned into wineshops? Greenwich would then become a perfect beargarden, and the tea-house would be transferred into what were known in Ireland

as shebeen-shops, where people could get drunk on the sly. It had been observed by the hon. Member for Northumberland (Mr. Liddell) that if the Bill passed into a law there was not a shop in London, for the sale of any commodity whatever, that might not obtain a licence for the sale of foreign wines to be drunk over the counter. The result would be that, when their wives and daughters entered Shoolbred's, or any other establishment of that sort, they would at once have a glass of wine placed at their elbows and be invited to drink it.

MR. HUMBERSTON was of opinion that, in bringing forward this measure, the Chancellor of the Exchequer had proceeded upon erroneous grounds. The right hon. Gentleman said, that there was a necessity for combining the business of eating with the business of drinking; but there were two operations in eating, namely, eating for pleasure and eating for business; just as in drinking, there was drinking for drunk and drinking for dry. He presumed that the eating-houses to which the Bill was intended to apply were principally those used by men of business who were unable to resort to their own homes for refreshment; and what was the advantage of combining eating with drinking in these houses? The object of an eating-house keeper at present was to provide the food required by his customers, and if any drink were required the person who wanted it put down his money, and it was fetched from the adjoining public-house. So that the eating-house keeper had no interest whatever in pressing liquor upon his customers, whilst the latter was not bound to drink anything for the good of the house, as it was termed; this he thought was a very great advantage in the existing system. The proposed system would encourage wine-selling, if found more profitable, to the exclusion of the legitimate business of an eating-house-keeper. The House having resolved to reduce the duties upon foreign wines, of course it became necessary to review the present licensing system, and see how far it might be extended to the Bill before the House; but the proposal of the Government departed much too far from that system. One objection that was urged against the existing system was, that they could not go into a confectioner's shop and get a glass of wine; undoubtedly there was great reluctance on the part of magistrates to grant licences generally. But whence did that reluctance arise? The magistrates did not grant licences. They only granted a certificate of an individual's fitness to keep a victualling-house, and the person who obtained that certificate then went to the Excise, where he procured a spirit or a wine licence. Now; what he wished to point out was, that some distinction should be drawn here, and that in granting their certificate magistrates should have the option of certifying that the holder of it should be entitled to sell wine, and not that he should necessarily have a spirit licence. At present magistrates had not that option nor could they restrict their certificate in any way so as to entitle the holders to obtain a licence for the sale of wine only. The certificate once granted by magistrates entitles the holder to obtain a spirit licence as well as a wine licence, and hence the reluctance of magistrates to grant these certificates, for licences give them the power to grant a certificate for a wine licence only, and there would no longer be reluctance in granting them. In asking for an extension of wine licences to eating-houses the Chancellor of the Exchequer was going upon wrong grounds. Such refreshment houses were not required, and the only result would be their conversion into mere drinking-houses. That portion of the Bill which authorized the sale of wine by any shopkeeper was perfectly unobjectionable. It was conceived in the spirit of the Beer Bill, which was to give people the opportunity of purchasing their beer near their own houses and conveying it home for consumption in their families; though, unfortunately, the practice as regards beershops was entirely at variance with the intentions of the promoters of that measure, and beershops were now the resort of the worst characters in the country. To give to the ordinary shopkeeper the power of selling wine, and enabling any man to enter and purchase his bottle for consumption in his own house, would be entirely unobjectionable. As the Bill stood, however, anybody who placed a bit of bread and cheese in his window, to give it the appearance of an eating-house, might have a licence for the sale and consumption of wine on the premises. He thought the suggestion he had made with regard to the method of granting licences under the Bill would be a good and useful Amendment. Neither trade or revenue ought to be forced at the expense of morality; and he hoped that the Bill would either be withdrawn and another introduced, or else that it would be materially

modified in its provisions as regards the power of the magistrates in granting licences.

Mr. EDWIN JAMES wished to state the reasons which would induce him to vote against the second reading of the Bill. He was not influenced in the slightest degree by the temperance organization; for he could not help thinking there was a good deal of hypocrisy in that movement. The worthy Alderman, the Member for Greenwich, who represented a borough in which the sanctity of the Sabbath was more openly and flagrantly violated than in any other place in the kingdom, had intimated his intention to vote for the Bill, having previously stated that the public-houses in the city of London were prevented from selling on Sunday upon religious grounds.

Mr. Alderman SALOMONS explained that he had said that the licences were granted to pastrycooks' shops and chop-houses on the understanding that they should not be used as public-houses or chop-houses, should not be opened on Sundays, and should close early in the evening.

Mr. EDWIN JAMES said, that the statement was made upon religious grounds, and it appeared to him that while supporting the Bill the hon. Alderman had used the best arguments against it. He himself opposed the measure because it would be extremely unjust and unfair towards a large number of persons, the licensed victuallers, who had invested a large capital, not in a monopoly of their own seeking, but in one which had arisen from the restrictions which had been placed upon them by the Legislature. By the common law of this land every person was at liberty to open an alehouse, a beerhouse, or a public-house in the same way as he could set up a linendraper's shop. But, inasmuch as the normal condition of public-houses was that customers were led to eat as much as possible, to drink as much as possible, and perhaps sometimes to get as intoxicated as possible, the Legislature had interfered by various Acts of Parliament to put restrictions upon these houses, and bring them under the supervision of the magistrates. Hence the restriction that they were not to be opened without a licence; those who kept them were not to allow gaming, or to permit bad characters to assemble in their houses. They had persons billeted on them: they were placed under the control of the magistracy. What was the effect of all this? It was all very well for Aldermen—for the hon. Alderman himself—to say it was a very hard case that a gentleman and lady could not go into a pastrycook's shop and have a glass of claret with their bun or their buiscuit. Admitted it was—but he could tell the worthy Alderman that the pastrycooks and biscuit-bakers would never avail themselves of the measure, if it placed their shops under the surveillance of the police. But this Bill made every magistrate an inquisitor and every policeman a spy. The practical operation of the measure would be that a beerhouse-keeper would take out a refreshment licence, he would then obtain a wine licence, and would thus have what to all intents and purposes would be a public-house, and would carry on business upon the same principle as a licensed victualler, but without being subject to magisterial control. As to the value of magisterial control, they had the evidence of Sir Richard Mayne, who said that it undoubtedly tended to secure order and to the proper control of the houses. The hon. Member for Dorsetshire (Mr. K. Seymer) told them that his peregrinations on leaving the House sometimes led him through the Haymarket, and he described the scenes of drunkenness and profligacy which were enacted there; but the description given by the deputation which waited on the Chancellor of the Exchequer on this subject showed that it was in the unlicensed coffee-houses and the lobster-shops, and not in the licensed victualling houses, that the worst scenes of profligacy took place. When the hon. Member in future wandered through the Haymarket in his nocturnal perambulations from that House, he (Mr. James) wondered what his experience would be of the new wineshops. Then a great deal had been said about the Excise; but the Excise cared nothing about the morals of the people—all they cared about was the revenue. The Chancellor of the Exchequer had informed the House that no one was now permitted to sell wine without also having a licence to sell spirits; but he ought to know that the reason of that was that when persons were allowed to have wine licences alone they defrauded the revenue by selling spirits. He (Mr. James) was no advocate for the present system of licensing, he thought it was much abused, and that there was a great deal of jobbery about it; but that was no reason why the Legislature should call into existence, side by side with the houses of the licensed victuallers, a class of houses which would

by public-houses in everything except being subject to magisterial control. The Chancellor of the Exchequer could not be ignorant of these matters, because they had been fully explained to him by a deputation at the head of which was a gentleman whose name ought to have been sufficient to secure the sympathies of the right hon. Gentleman—Mr. Homer—more especially as there was reason to suppose that Homer himself was anything but a teetotaller; because we read in Horace:—

"Laudibus arguitur vini vinosus Homerus."

He had no regard for the talk about temperance, which he did not believe the Bill would promote at all. But he thought the measure was unfair and unjust to a most important branch of trade, and he should therefore oppose the measure.

Mr. C. P. VILLIERS said, that the hon. and learned Gentleman's speech had at least the merit of being clear and intelligible, which was certainly more than could be said for those of the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) and other opponents of this measure, who had used arguments of different kinds and which were opposed to each other; but the hon. and learned Gentleman the Member for Marylebone came boldly forward as the advocate of the licensed victuallers and the monopoly in fact which they enjoy. His clients were the licensed victuallers, the brewers, and all persons who had invested capital in public-houses, who wished for no change, and who considered that anything that interfered with their monopoly was unjust. He was for everything as it stood, and condemned any departure from the existing system. He (Mr. Villiers) had presided over a Committee upon this subject, and had, in very good company, come to an entirely different conclusion. There were always arguments to be urged in favour of a monopoly, and it was not the first time that he had contended against them. The system which the hon. and learned Gentleman came forward to defend had been for many years universally condemned. A Committee of the House of Commons had unanimously reported that it was defective and ought to be modified, and the present Bill was framed in conformity to their suggestions. He was not a reckless advocate of free trade in intoxicating liquors: but the Committee recommended a better system than at present existed; and that was the system which this Bill carried into effect. He readily admitted that in the interests of public morality some control ought to be exercised over houses in which intoxicating drinks were sold; and the present measure would, he thought, afford that advantage; for it provided that the parties whom it would empower to sell wine should give security for the proper management of their business, while it invested the magistrates with very large powers in deciding upon the manner in which persons seeking the privilege had conformed to the conditions required by law. The public were under a gross delusion as to the securities of the present system against the evils which arose from the sale of intoxicating liquors. In the evidence taken on this subject, magistrates admitted that they had no competency for determining who personally was fit or otherwise to have a licence, and were guided by other considerations in granting them. The Committee therefore recommended that the magistrate should not only inquire into the character of the applicants, but also take proper securities from them, and rely upon the police to enforce the restrictions under which they were to act. In this Bill that suggestion was adopted. The magistrates were to see that the persons who were licensed were responsible and respectable; they would be watched by the police, and they would be subject to all the same restrictions and penalties to which publicans and beershop keepers were liable at present. This Committee, to which so much reference has been made, was very fairly constituted. It consisted of some gentlemen who had been Chairmen of Quarter Sessions, and indeed there was hardly a member upon it, except himself, who had not acted in the commission of the peace. The inquiry itself had been promoted by magistrates, and many of the witnesses were magistrates, commissioners of police, and persons of experience in the administration of the law. They all concurred in the opinion that in the selection of persons for licences the present law was defective, and that the best security for public-houses being well conducted was the power of withdrawing a licence, coupled with increased powers conferred upon the police. Hon. Gentlemen seemed to argue as if this were an attempt to give a fresh stimulus to drunkenness and to relax restrictions which now existed. He would take issue on that point. When the Bill was first introduced, objection was taken that the magistrates had no discretion in deciding who

were entitled to have those licences; but this power had now been given to them; but it had had no effect upon the opposition offered to the measure. The hon. Member for the Tower Hamlets himself was perhaps consistent, for he believed that he had opposed the Treaty altogether, and the introduction of cheap wines particularly. But he now appeared as the mouthpiece of the teetotallers, who had not opposed the Treaty at all, which had especially the introduction of these wines in view. He had on their part to say, "True it is, we gave our sanction to the Treaty; we never said a word against the free importation of these wines, but now they are here we will do all we can to prevent their being consumed." But, if I mistake not, they shrank from appearing to be alone, and they knew that the Members that may be joining them, now being engaged in commerce, or representing those who are so, desired to have the Treaty carried out in order to exchange their cottons and crockery and linen yarns for the wine and brandy of France; and whatever they may say now as to the danger of giving the public a convenient mode of having access to these liquors, they would never have joined the teetotallers in resisting the entry of these wines into this country. The obstruction to this measure is only to prevent the Treaty having its natural effect in making foreign wines accessible to people of moderate fortune. Indeed, the teetotallers are not consistent, for they do not seek their total suppression; but by having combined with the Members connected with the publicans, they seem to demand that wine should only be consumed side by side with ardent spirits in public-houses, and not where people go in the middle of the day to get wholesome food, with no desire to drink intoxicating liquors to excess. No objection was made to a man who got his dinner at one of these eating-houses giving the money out of his pocket for wine to be fetched in for him, or indeed to his bringing it in his hand with him; it was only when it was proposed that the landlord should be allowed to lay in a few dozen of bottles in his house for his customers' consumption during the day that the outcry was raised. It was to carry such a simple point as this that all the results of the most terrible intemperance had been sought to be connected with this Bill, but all of which would cease and would never occur, and the Chancellor of the Exchequer would now be unopposed, if the present licensing system was retained. But, with what propriety that is to be expected I again direct anybody to the evidence collected by the House of the advantage which follows from that system. The object of the licence was doubtless only to secure the most respectable people to conduct the business and to restrict the number of the houses to the requirements of a district—but, was that the effect of it? He remembered one witness who applied to this House to be heard before that Committee. It was Admiral Hope, who had taken a great interest in the establishment of a Sailors' Home. He stated, in evidence, what he had alleged in a petition to the House, that all his efforts were defeated in consequence of the number of disorderly public-houses that were annually licensed in that neighbourhood, and the sailors being regularly waylaid and plundered of their money by persons frequenting those houses. The Superintendent of the Police of that district was then examined, and he confirmed nearly every thing which Admiral Hope had said, and informed the Committee, that in a district of half-a-mile wide, and a mile and-a-half long there were 500 public-houses—347 public-houses and 152 beershops—against many of which there had been convictions as disorderly houses. When asked whether any licences were ever taken away in consequence, his answer was, that it happened very rarely indeed, but that there had been one case so flagrant that it could not be passed over; but when the publican knew what was going to happen to him, before the time for renewing the application for his licence he transferred the licence to his barman, and at the licensing day the licence was granted to the barman as a fresh person, though it was shown that the man had been present when the offence for which the conviction had been obtained was committed, and the house has been very ill-conducted since. It was said that the requirements of the district were the only rule on which the magistrates act. Well, the way in which they exercised discretion in the neighbourhood of the Sailors' Home was to grant an additional one to the 499 public-houses in existence there when Admiral Hope complained. Mr. Pownall was the great authority on licences in Middlesex. Mr. Pownall, on being asked before the Committee how it was that there were such a number of public-houses in neighbour-

hoods where there seemed no necessity for them, replied, "Oh, those are old districts; the trade has gone away from them." It was never found, however, that when the neighbourhood had changed and the requirements ceased licences were withdrawn. According to the magistrates' admissions, licensing, then, is a question of property. When a licence was once granted to a house it gave an additional money value to it, and it would be unfair, as they say, to deprive a man of his property merely because of a change in the condition of the neighbourhood. This, no doubt, was just enough on the part of the magistrates; but it showed conclusively that the licensing system was only a means of giving value to property connected with the sale of intoxicating liquors—that it had nothing to do with police or the maintenance of order, or any other of the moral considerations which had been introduced into the discussion. Without referring to any of the statements which had been made as to the manner in which the magistrates exercised their functions, it was clear, from their own showing, that they were incompetent to form a decision on the merits of the applicants who came before them, and that in practice they granted licences to an extent which could only be injurious to the recipient who sought it as a privilege, and must be very demoralizing in the districts where they existed. And yet it was the omission from the Bill of the provision that the application for these wine licences should be made to magistrates, in the manner in which they are made at present, which had caused all the opposition to it. If any person wished to know what else was said of the motives that prompted the issue of licences they must refer to the blue-book containing evidence taken before the Select Committee. There was plenty of scandal recorded there, to which he should not refer. It was said that this Bill was a second Beerhouse Bill, and that everybody knew the evil the beerhouses had produced. It was very easy to say that the beerhouse system had failed—there was not anybody to affront by that whom hon. Members cared about affronting, though there were not a few Gentlemen within hearing whose feelings would be offended if anything harsh were said about the public-house system. He had seen no evidence to show that the beerhouse system had failed, though a great deal may be said of a beerhouse that is or ought to be said of a public-house. On the contrary, they had the evidence of Sir R. Mayne and others, that in some of the larger towns they were better conducted than the public-houses. In Manchester there were 400 public-houses and 1,400 beerhouses, and they were informed that drunkenness occurred in the case only of 1 per cent of the population; while in Liverpool, where the public-houses greatly exceeded the beer-houses in number, the ratio of intoxication was 1 in 28. In all large towns it would be found that, although persons frequented beerhouses for the sake of company, and might encounter bad associates there, it was not by those establishments that drunkenness was peculiarly promoted, and probably far less so than by the licenced gin-palace. He knew among hon. Gentlemen it was said that all sorts of infamous characters assembled there, and that crimes of all sorts were concocted. But he believed that the crime that was always held in view in those cases was poaching. But the result of the inquiries made before the Game Committee, a few years ago, merely proved that poaching, as it had existed before the passing of the Beer Act, continued to the present day; and the striking fact was mentioned by one of the Inspectors of Prisons who was examined before that Committee that one-fourth of the persons confined in gaol in this country were committed for offences against the game laws which, if he was not mistaken, was precisely the proportion mentioned to exist before the Game Committee in 1817. Another objection taken to the Bill was that it proposed to tax a class of persons who had not been taxed before—namely, the keepers of coffee-houses. Let any one who thinks that these houses should not be watched by the police, compare the beerhouses as to which so much prejudice existed, with the coffee-shops, which had so much increased of late. The fact was that many of these houses were the resort of the lowest characters, and not being under the control of the authorities could be open at all hours of the night. They had the testimony of the police that when the public and beerhouses were closed for the night the bad characters flocked to the coffee-shops, and Sir R. Mayne stated that 139 of these remained open all night in London, and were often filled with the worst characters, who, having either no homes or bad homes to return to, passed the night at these establishments. It was one of the arguments

against the Bill that the Government were about to impose a tax upon refreshment-houses, thereby mulcting innocent and unoffending persons; but all the evidence given before the Committee showed the extreme desirability of authorizing the police to enter all such places of public resort, which they were unabled to do without they were licensed. It was chiefly for the purpose of bringing under supervision and control coffee-houses, and places of that description, as to the character of which there was the strongest concurring testimony from people of different kinds, that they had been included in the provisions of the Bill. Indeed, on the part of certain coffee and eating-house keepers application had been made to the Committee before referred to, and a desire was expressed that some system of registry or licensing might be adopted in order that those that were respectable should be known. Another ground of opposition to the measure was that it would generally increase the facilities for the sale of intoxicating liquors, and that the system under which drinking-houses were formerly controlled would become more lax. He could only say that there was no ground for these assertions. It would influence him much if it did. He entertained the strongest possible feeling as to the neces sity for repressing drunkenness; he was decidedly of opinion that the trade in intoxicating liquors ought to be regarded as distinct from every other, and that judicious restrictions should be imposed upon it. Nothing but a belief that the best security would be afforded by the vigilant control of the police, and by the caution to be exercised in the granting of licences, could induce him to support such a Bill as the present; but from the securities that its provisions required, he believed it would be harmless for evil, and it would at the same time be productive of the greatest convenience to persons of the middle classes who were in the habit of resorting to eat ing-houses. The persons who talked about "free trade in drunkenness" did not properly understand the phrase which they employed, and seemed only desirous of bringing discredit on opinions which they failed to appreciate. Monopoly in any particular business was not necessary to make it safe, and it was not opposed to freedom of trade to protect the public against disorder. A measure of this nature was much recommended by the altered habits of the present day. The great majority of persons now lived out of town, and were consequently obliged to dine at refreshment-houses. It could not be said that any peculiar temptation was thrown in their way, for the only difference would be that, instead of sending out to procure what they required, they would be able to obtain it on the spot. There was an inconsistency in the arguments urged against this measure as well as the reduction of the duties on wine, which looked as if they were prompted by private interest rather than public good; for instance, the double objection was urged against the Bill; first, it was said, that the habits of the people would not change, and that they would never acquire a taste for foreign wines, and at the same time, it was also said, that so excessive would be the consumption, that nothing but general drunkenness would follow from its adoption; to say in fact, in one breath that the national taste was so strongly wedded to beer and brandy that it was only the educated classes who would drink wine, and to contend that everybody would get drunk on wine owing to the increased facilities which were afforded. For his own part, he did not believe that very light or low-priced wines would for a time to come suit the general taste. The spirit of legislation for the last 120 years had too strongly encouraged the taste for strong and spirituous liquors to suppose that it could all at once be abandoned; and he believed that it would be chiefly among the prudent and careful, among the middle classes that the benefit from the introduction of these wines would be principally felt.

Mr. HENLEY said, that the right hon. Gentleman who had just sat down deserved to be heard on this question, seeing that he had presided over one of the most laborious Committees that ever sat on the question. The Committee occupied two years in their investigation, and extracted many thousand answers from different witnesses. The opinion of the right hon. Gentleman was therefore entitled to great weight. It was not necessary for him (Mr. Henley) to disclaim the representation of the teetotallers—to which body he did not belong—or of the beersellers or publicans. If he had a client, it was the right hon. Gentleman himself; for the Bill under discussion was in every respect conflicting and contradictory of the Report of that Committee of which the right hon. Gentleman was the Chairman. It was precisely in the points on which the Bill conflicted

with the Report that he took exception to its provisions; and though he could not hope for the right hon. Gentleman's vote when he reminded him of the unanimous recommendation of the Committee, which he might possibly have forgotten, he yet might be able to lessen his authority with the House. If hon. Members had been asked to support a Bill founded on the representations of the Chancellor of the Exchequer, he for one should not have objected to it. For what had the right hon. Gentleman stated? He declared himself unfavourable, like the right hon. Gentleman who had just spoken, to the present system of licensing; and that he wished to do nothing but what was necessary, directly or indirectly, for his particular object—which he supposed was to sell wine, to which there could be no objection. The Chancellor of the Exchequer said he wished to proceed without prejudice to the question of altering the present system. So did he; but he thought he should be able to show, not only that the Bill did prejudice the existing system, but prejudiced it in such a way as would render it absolutely impossible to alter it on any future occasion. The first object which the Chancellor of the Exchequer had in view was that the importation of wine on the reduced duty should be thrown open to the whole of the consumers. With that he quite agreed. The next object was that the sale of wine should only be restricted to the same extent as the sale of other liquors. He also agreed with that. The question then was, whether the mode in which he sought to effect that was a proper and reasonable mode; and that was the real question which they had to consider. He would shortly state to the House what the recommendations of the Committee were; he would not have troubled the House with them but for the extraordinary statement they had just heard from the right hon. Gentleman, that the Bill carried out the recommendations of the Committee. The first recommendation of the Committee was, that no intoxicating drinks should be sold without a licence. There was no difference of opinion as to that. The next was, that there should be one uniform licence for the sale of intoxicating liquors. Was the present Bill on all fours with the recommendation of the Committee in that respect? On the contrary, it was formed upon an entirely conflicting principle. The next recommendation of the Committee—and it was unanimous—was that such licences should be granted by the magistrates. He would not say whether that was right or wrong, but at all events it was the recommendation of the Report. They also recommended that the sale of intoxicating liquors should be open to all persons of good character. The Bill, however, said nothing at all about character; it only provided that the licence should not be granted to persons who kept disorderly houses, and a person must be a very bad character indeed to keep a disorderly house. Was the provision of the Bill and the Report on all fours in that particular? The Committee then came to the question of coffee-houses. That was a very large category of houses, and not only applied to coffee-houses and shops, but to temperance hotels, eating-houses, and shell-fish shops, with all similar places of public resort. They were not to be subject to the inspection of the police. There was a division in the Committee on that point, which was nearly the only division which took place. The right hon. Gentleman wanted to bring them under the control of the police; but the Committee said no, because they were to be visited by regularly appointed inspectors. What did this Bill provide? It provided not only that such places of public resort should be subject to the police, but it applied the same principle not only to confectioners' shops, but also to the shop of every old woman—or every young one—who sold a nut, an orange, or a glass of ginger-beer. [The Chancellor of the Exchequer intimated dissent.] The right hon. Gentleman shook his head; but when he referred to the Bill he found that its provisions applied to all places in which any victuals or refreshments were sold. Well, then, oranges could very well come under the category of refreshments, for he owned that an orange was a very great refreshment to him. All those places were to be liable to pay a licence and to be open to the invasion of the police; because it was provided that every one, great or small, —(for the restriction as to £10 or £20 rent applied only to wine licences, and not to refreshment-houses)—who had a licence, was to be subject to inspection. He took the trouble the other day to walk through a large district in the neighbourhood bounded by Victoria Street on one side, the river on the other, extending from the House up to Vauxhall Bridge. He traversed most of the streets in order to see what sort of shops they were that sold oranges, and he found that there were hundreds of little shops

that sold oranges, fruit, bundle wood, red herrings, and other sorts of sweet-meats, and in all these shops there were tarts and biscuits. In every one of those shops they saw small articles of that kind sold; and therefore it was not right of the right hon. Gentleman to say that they did not come within the provisions of the Bill, although he shook his head. He would be bound to say that where there was one beerhouse there were five of the shops of the character which he had described, and he mentioned the fact to show the oppression which this Bill would cause to those people. The right hon. Gentleman had made a very great speech which had taken very much with the House; he said he wanted to give increased facilities for the sale of wine, and that it was desirable that persons who sold food should be enabled to sell drink also. That was very reasonable. He (Mr. Henley) said so too. It was a very reasonable condition to apply to the wine licences or any other licences to sell drink, that food should also be sold; but the real fact was that people could buy their food cheaper in other places than they could at the licensed shops, and, therefore, they would not have the advantage it was supposed they would; whereas, on the other hand, in every place in which an ounce of food was sold, there would be placed upon the people this perpetual blister of the police. That was enacted by the Bill; it put these persons under the harrow and nuisance of the police that they might be driven to take out a wine licence. That was what the Government called promoting the morality of the people. Let those who want to take up a wine or beer licence have full liberty to do so; but do not put a restraint upon people who do not want to have such licence, by exposing them to the same inconveniences as those who do want it will be exposed to. The right hon. Gentleman had talked a great deal about the evidence given before the Committee. He thought the right hon. Gentleman would admit that if there were any point strongly established, and which would justify the Committee in their Report, it was that, having two kinds of houses open, there was a sort of competition to tempt people to do that which they would not otherwise do. But now the right hon. Gentleman proposed to set up a third set of competing houses, and this in the very teeth of the recommendation of the Committee. The right hon. Gentleman talked of magisterial security. But what was it he proposed in this Bill? Did he mean to hold out to the public as a security, a delusion of this kind, which he kept dangling before the eyes of the tectotallers to make them suppose that they had got something when they had really got nothing. It was no security, inasmuch as no magistrate could put it in force. What was it that the right hon. Gentleman proposed to enact? The right hon. Gentleman proposed to give power to two magistrates in petty sessions to put a veto on a licence issued by the Board of Excise in two or three specified cases. The one case was, if the house was not an eating-house within the meaning of the Act; or if the party keeping it did not sell anything with which wine or liquor was not usually consumed. Again, the right hon. Gentleman shook his head; but those were the words of the Act. Now, would the right hon. Gentleman point out to the House what there was in the whole range of his experience —from a sucking-pig to an orange—with which something—wine, or beer, or brandy — might not be, and was not, usually drunk? They had all heard of "cakes and ale," and of "a biscuit and sherry," or "a crust of bread and a glass of wine!" All this he considered was the "folly" part of the Bill, for it appeared to have been got by "Revenue" out of "Police," with a strong dash of "Folly" blood in it. If a person kept a disorderly house, or if disorderly people frequented it, then it appeared that there was to be a veto against the licence by the magistrates. That he called stabbing men behind their backs. How was a magistrate to certify that a house was disorderly? That was, certainly, a word known to the law. He apprehended that what they meant by a disorderly house comprised the new term a "social evil." He also supposed it meant a gambling house. There was another class of disorderly houses against which indictments had been brought—those were houses in which there were cock-fighting, boxing, and cudgel playing carried on, and other matters of that description. But how stood the case with the magistrates if parties came before them and gave them information that houses of this description were kept open? Was it not their duty to send for the overseers and bind them over to indict those houses? That was their duty as magistrates. The right hon. Gentleman said that the Bill was framed in a spirit of confidence in the magistrates. He did not suppose that the confidence of the

right hon. Gentleman in the magistrates went exactly to that length, and that he intended they should act without sufficient information before them. But the House had some odd information upon this subject. A little while ago the noble Lord the Secretary for Foreign Affairs (Lord J. Russell) in giving some wholesome advice to an inexperienced young King in whom he had taken a great interest—an interest which was also experienced by Her Majesty—used language so remarkable that he (Mr. Henley) thought he must have had the Chancellor of the Exchequer in his eye when he published it. The noble Lord was raised at a time when people were in the habit of calling a spade a spade. The noble Lord said,—

"Let the Neapolitan Government arrest no man without bringing him to trial face to face with his accusers. Let them subject no man to injurious restrictions without proof of some crime or offence against public order. Let the law as it stands be equally applied to all."

Subsequently Mr. Elliot had written to the noble Lord as follows:—

"Naples, March 3.

"For that, although they had proofs sufficient to satisfy themselves (the Ministers) of the guilt of the persons arrested, the evidence was not such as would procure a conviction in a court of justice. 'In plainer words,' I answered, 'you have resolved to accept as conclusive the denunciations of spies whom you dare not bring face to face with the accused.' And this, without apparent shame, M. Carafa frankly admitted to be the state of the case; repeating, that he was aware they could not produce a legal conviction, but that they had no doubt whatever of the guilt of the accused."

Now what was it, let him ask, that the noble Lord and his colleagues desired the magistrates of England to do behind the backs of those persons who wanted to invest their capital in winehouses without bringing them face to face with their accusers? Why, it was clear the noble Lord was about to sanction here that very line of conduct which in the case of Naples he had so strongly denounced. But, to return to the Chancellor of the Exchequer, he found a speech of that right hon. Gentleman's had been published, from which also he wished to read an extract, inasmuch as he thought it very likely the right hon. Gentleman would contradict the statements which it contained. The speech in question had been published in *The Alliance* newspaper, and professed to have been made in answer to a deputation which had waited upon him on the subject of granting licences. Here was his own description of a clause in his Bill. Reference was made to the fact that beerhouse licences could not be taken away except after conviction. Now, the right hon. Gentleman was made to say in answer to that remark,

"But in my Bill there is no conviction at all necessary. Any misconduct will endanger a licence. Therefore, as to the question of control, I should be very sorry if the control provided here is not ten times the control over the beerhouses. In the first place, the man must give notice to the magistrates; in the second place, the magistrate has nothing to do but simply to certify matters of which they are sole judges. If they certify those facts, either that the house is not an eating-house in the meaning of the Act or that it is a disorderly house, frequented by disorderly persons—(what, he should like to know, was the sort of evidence which would be required to prove that it was a disorderly house; was it sufficient that certain persons belonging to the class designated as 'the social evil' had been seen going into it?)—the licence cannot issue. Now, it issues for twelve months, irrespective of any conviction at all. Therefore, under this Bill, licensed houses will be under the most absolute control, for there is no appeal whatever; nothing is required but the magistrate's certificate that it is a disorderly house; and even if the magistrates declare that fact falsely, from interested motives, still the licence cannot issue. If that is not strong enough, I do not know what is."

That was the Report published of the right hon. Gentleman's address to the deputation to which he referred. Now, if that language was used, he asked the House whether it was calculated to convey a true meaning of his measure to those parties who had waited on him? The right hon. Gentleman, when he spoke of magistrates acting falsely and from interested motives, seemed to forget that there was such a place as the Queen's Bench in existence. He (Mr. Henley) took it if a magistrate had acted falsely or from interested motives that there would soon be a criminal information sued out against him in that place where learned and upright Judges presided. The Lord Chancellor, too, would deem it to be his duty to strike his name out of the commission of the peace. It would be also very strange if the lawyers would not find out some mode of bringing an action against such a man for damages. But was it to be tolerated for one moment that people were to be convicted without hearing them? They had the strongest evidence within the last few months of what ought to be done under such circumstances. The Lord Chancellor, in a recent case, told a most rev. Prelate that he could not decide without hearing the accused, and he took a great deal of pains to tell him why. The noble and learned Lord not only gave him

reasons that would be sufficient for a layman, but he reminded the most rev. Prelate that Adam himself was heard before he was judged. That reference, to be sure, might have been for the special benefit of the party with whom he was dealing. Now, in the same spirit, he (Mr. Henley) told the right hon. Gentleman that he had no right to attempt to inveigle the magistrates of England into an act which no law attempted to justify until this precious Bill of the right hon. Gentleman's came into force, namely, to damn a man's character behind his back. All sorts of reflections were even now cast upon magistrates, even in the case of a hearing in open court; what, then, would be said to them when such things would be done in secret? Why, if they were foolish enough to act under this Bill the magistrates of England would stink in all men's nostrils. He had now stated the objections he had to this Bill. It was so framed that it would be almost impossible to alter it in Committee. The effect of the Bill was to tax every private person that sold victuals. How far the particular clause which went to that end would go, he did not pretend to say; but it would go very far, and it would be useless to alter the Bill in Committee, because its whole scheme needed alteration. Before sitting down, he could not help protesting against the course Government had taken in wholly disregarding the forms of the House, and that had led them into such inconveniences as they would have escaped if the ordinary course had been taken. If they had been asked to go into Committee, as they ought to have been, then the whole question would have been well raised, and the Government would have had the advantage of the discussion to see how they should frame their Bill. The Government, however, had taken the other course, and the Chancellor of the Exchequer had told them that it was better that they should have the Bill in order that they might know what was meant to be accomplished by it. Now, they had seen it, and certainly the naked idea in Committee had received a development which no ingenuity less than that of the right hon. Gentleman could have given it. No doubt the Resolution in Committee had been framed very widely, capable of anything—hanging everybody indeed; and the Bill did go far in that direction. He should be very glad to give all proper facilities to open houses for the sale of wine. The House having chosen to alter the duties, it would be wrong not to do so. But while they did so they ought not to put a pressure on those who did not want to take out these licences, and tax them for selling tarts and ices. They were bound to protect the humblest person who sold a few cakes in his shop as well as the great merchant, who could pretty well take care of himself. It was quite open to all persons who sold boiled beef and cabbage—all parties keeping an eating-house, to take a beer-licence if they liked. There was nothing to prevent it. The rent of their houses was almost always sufficient; yet, in point of practice, they seldom did take it. That certainly was some evidence that persons who carried on the trade in food did not want to subject themselves to the nuisance of having their houses invaded by policemen. Their habits were altogether different; and therefore he did not think so many would take out these licences as the Chancellor of the Exchequer calculated upon. Indeed, he could not help thinking that there was some apprehension of this kind in the mind of the right hon. Gentleman himself, and therefore this blister of the police was applied to compel the many, who otherwise would not, to take out licences, and thus, in an indirect manner, to contribute to the revenue. He heartily wished the Bill were withdrawn, in order that it might be put into a less objectionable shape, and then it might go through the House with very little trouble.

Mr. BUXTON rose for the purpose of denying that the agitation against the Bill had been in any way got up by the London brewers. As far as he had heard they did not care a farthing about the matter, and had entirely refused to stir in it. Indeed, it would have been surprising if they had, for no one dreamed that French wines would ever drive out ale and porter. Their competition might, perhaps, check adulteration, but that would be all. With respect to the licensing system, if the Bill were thrown out by the interest of the brewers, public opinion would be so disgusted—so righteously disgusted—that there would be an end of the licensing system altogether. Upon these and other grounds he should have preferred to support the Bill, and would have done so if the division had taken place after the first discussion; but subsequent close thought upon the subject during the recess had brought him reluctantly to the conclusion that he must vote against the Bill, and that upon the ground which, coming from him must he knew,

seem an absurd, hypocritical pretence—that it would powerfully tend to promote intoxication. He would make no attempt to defend himself from the ridicule this assertion might excite, but would pass on to the question which deserved most anxious thought—whether the result of that Bill would not inevitably be a fearful increase of drunkenness. Of course, if the Bill would merely create a general consumption of claret and other light wines, every reasonable man would give it his hearty support; but the point to be looked to was whether its result would not prove to be an almost universal sale in the eating-houses and beer-shops throughout the United Kingdom, under the name and pretence of wine, of ardent spirits, that was the point to grapple with. Now, undoubtedly, the present taste of the mass of the people would crave some stronger and more stimulating drink than light claret, and he saw no possibility of preventing these wines from being mixed with brandy up to any strength whatever; and again of other ardent spirits being surreptitiously sold in conjunction with them. The Bill, no doubt, attempted to provide against that by allowing the police a free ingress into all houses where wines were sold; but he thought that no one could have studied the evidence given before the Committee on Public-houses without feeling that this would be wholly ineffectual. Sir Richard Mayne expressly told the Committee with regard to even the few existing wineshops that, practically, you could not prove in evidence whether wine was sold or other drink under its name. That difficulty would become an impossibility if, as seemed likely if the Bill were carried, from 150,000 to 200,000 places would be opened for the sale of wine. Not only common sense, but he was sorry to say, if the evidence laid before that Committee was to be trusted, experience too, had shown that, if they required the police to be constantly entering these houses and examining the contents of the bottles and casks, the practical result would be to corrupt and demoralize the police, but not to attain the end at which they were aiming. For his part, he thought it would be wrong to expose the police to so powerful a temptation. It therefore seemed to him to be as clear as daylight that the Bill would result in an universal sale of ardent spirits in almost every beerhouse and eating-house in the kingdom. To that, however, he would not object, if sound and effectual precautions were taken by the Bill against the excessive abuse of those commodities. Were any such precautions taken? Virtually none whatever. The Bill allowed almost any one to obtain a licence from the Excise, and merely required that notice should then be sent to the magistrates, and if they chose they would be at liberty to impose a veto in the case of any individual against whom they had specific grounds of complaint. But it required no deep knowledge of human nature to feel assured that, except in the rarest cases, the magistrates would not thrust their necks into a yoke which they were not called upon to assume. When they required them to issue the licences they threw upon them a clear duty, and they did it; but it was quite another thing to grant the licences through a different agency, merely giving the magistrates leave to put themselves forward to undertake a burdensome and invidious duty not exacted from them by the law. Practically, therefore, he thought the consequence of this Bill would be the unchecked, unrestrained sale, of ardent spirits. Now, could they forget that vivid and striking experiment that was tried at Liverpool, where the magistrates granted licences to every applicant; the result being, that whereas on an average of great towns one person in 400 is taken up for drunkenness, in Liverpool one person in forty was taken up; and at last the magistrates themselves became so alarmed by the result of their own doings that they would not grant a licence to anybody. Still more emphatic was the warning given by the result of the Beer Bill? There was no one who took an interest in the wellbeing of the poor, there was not a magistrate in the United Kingdom, who did not say that the Beer Bill had wrought infinite misery; not but what it was right to allow free trade in beer, but that it was wrong, it was a cruel wrong to the working class itself, not to adopt due precautions against that liberty degenerating into licentiousness. With all this before him he felt it impossible to give his support to the Bill. On the other hand it would be only common sense to allow that free trade in wine was a necessary corollary to the commercial treaty with France. They could not dream of placing the sale of those wines under the restrictions of the existing licensing system, with its close and monopolizing character. No statesman would propose that. Then, weighing these strong but conflicting considerations, his anxious hope was that the Chancellor of the Exchequer might be in-

duced, by the expression of opinion that night, to withdraw this Bill, which excited opposition from both parties, and then at the earliest period bring in a well-considered measure, that would not attempt to draw any vain and illusory distinction between wine and spirits, but would apply to both the same system of precaution—a system at once more potent than the licensing system, and yet free from any taint of monopoly. There was no reason for supposing that such a substitute could not be found. That was not the occasion for delineating its features, but he might state in the barest words possible what he thought were the principles on which any scheme of precaution ought to be based. The licensing system was founded on the idea of checking drunkenness by restricting the number of houses for the sale of spirits. The effect of that was to give a monopoly to the selected houses, and to place in the hands of a few individuals the strange and arbitrary power of deciding for a district how much drink it wanted. Moreover, so much of the time and attention of the magistrates were taken up that they had little to bestow on the performance of their other duty—namely, that of renewing licences already granted. He would, therefore, discard that feature of the licensing system. His idea was, that instead of cutting and slashing at the whole trade they should concentrate all their force upon its abuse alone. To that end they ought to recognize the well-established fact that nearly all the worst drunkenness arose after eleven o'clock at night. He would, therefore, allow any householder to get a licence from the Excise for the sale of any liquor whatever up to that hour, paying, however, more for it than now. After eleven o'clock he would allow no house to be open for the sale of any intoxicating liquor whatever, except under a special licence for that purpose; and these night licences he would encompass with every kind of safeguard. They ought to ask a very large annual sum, both as some guarantee for respectability, and also as making them easier of control, because they would be fewer in number; but mainly as an inducement to the great mass of public-houses not to take out a night licence but to close at eleven o'clock. Again, the eleven o'clock licences should be granted and renewed each year by the magistrates; who, however, should have no power to limit the number for fear of monopoly, but whose one only duty regarding them should be to institute a thorough investigation whether the house had been conducted during that year with due regard to order and sobriety; if not, he would require them to withhold the night licence. And to aid in that, it might be well that one police officer in each district should be a special inspector of these night houses, and make a monthly report regarding each of them to the magistrates, as a guide to them in the renewal. By these means all monopoly would be got rid of, and the sale of intoxicating drink after eleven o'clock discouraged. Instead of cutting and slashing at the whole trade, they would plant their blow upon its abuses alone. They would stand on a sound principle—that of allowing any one to prosecute the trade so long as he did so with a due regard to society; they would lay their hand only on the man who had actually shown that his exercise of it was deleterious to the public welfare. The difference between such a plan, and the existing system would be just that between a law of libel and a censorship of the press. He was persuaded that if the Chancellor of the Exchequer would bring forward a Bill founded on such principles, he would have the glory of having driven from every corner of the statute-book the last remnants of monopoly and protection, and of having given a telling blow to that vice which filled the land with disease, pauperism, and crime, and which was the main bar to social progress, and brought ruin to the domestic happiness of the working man. Nor need he fear any fatal opposition, for such a Bill would woo the teetotallers from the side of the drink-sellers. The publicans would be forsaken by the saints, and would have to seek aid from the sinners—a far less numerous and influential body. It might seem strange that he should give a kick to the licensing system, from which it was generally supposed that the prosperity of the brewers was mainly derived; but if, on the one hand, the licensing system really gave them a monopoly, on the other it would only be common sense for a freetrader to believe that in the long run that monopoly could not be a help to them, but a hindrance. He had always thought that protection was not so much a blunder as a wrong—not an outrage on common sense only, but on the natural freedom and rights of mankind. He could not, therefore, but wish to free the business in which he was engaged from any such stain. But in fact he was persuaded that, whatever it did for

Mr. Buxton

other parties, to the London brewers the licensing system gave no monopoly at all. Doubtless the overthrow of the licensing system would cause them a most serious loss for a time by depreciating the property upon the security of which they had made enormous advances, but not because it would deprive them of any monopoly. If the House would allow him he would briefly explain the exact nature of the connection between the London brewers and the licensing system. It might be convenient to the House to have some precise knowledge on that point, instead of the vague surmises and gross misrepresentations that had got hold of the public mind. Of course he could only speak for the firm to which he belonged, but his impression was that the same system was pursued by all the principal London breweries. It was usually imagined that the London brewers formed a compact organized body, keenly alive to its own interest, and so powerful in its union that it could override that of the public. He would state one fact that would, he thought, dispel that illusion. He had been for fifteen years connected with that business. During that time the London brewers had met upon only two occasions to discuss any trade question whatever. The first of those occasions was when the price of barley had risen to an enormous height. Several of them met —not all, some having refused to join— and it was agreed to raise the price of beer. In a few weeks they had to meet again and bring it down to its former level, because they found their trade was rapidly passing into other hands. The other occasion was when the extra duty was imposed on malt during the Russian war. They then all agreed to raise the price of beer in due proportion, and lowered it again as soon as the extra duty was taken off. Those were the only occasions on which any trade question had been discussed by the London brewers during the last fifteen years. Why, if they had ever so powerful an organization among themselves they could not stand out for a moment against the competition of the 2,000 country brewers, some of whom already did a large trade in the Metropolis—for instance, the Dublin stout and Burton ale brewers. The other assumption was that the licensing system had so greatly reduced the number of public-houses that the brewers had been able to get hold of nearly all, and to put in their own nominees, who therefore were in abject subjection to them. He denied that the publicans in London were in subjection to the brewers. He asserted that if not all, yet far the greater number of the licensed victuallers of London were perfectly free to deal with whatever brewery they pleased. He would give the House some facts that would prove that assertion. Of those who dealt with his firm, three-fifths were out of London. No one supposed that over those they could have any control whatever. Of the two-fifths resident in London, just 17 per cent were their tenants; but of those only two were tenants at will—all the remainder had leases, in no case for less than ten years. But then of the eighty-three per cent who occupied their own houses, a large number had borrowed money from them to enable them to take those houses up, and it was generally thought that in taking a loan the publican bound himself to them hand and foot. Nothing could be more untrue. The publican was as free after taking the loan as he was before. Of course, while he held their loan he dealt with them; but the moment anything annoyed him, he had only to go across to any other firm, who would be too delighted to advance him the money with which he paid off his loan from the one party and transferred his account to the other. And if the Chancellor of the Exchequer would ever do them the honour to come down and examine into their system, which they would be too happy to throw wide open before him, he could give him other equally strong proofs of their entire independence.

SIR MORTON PETO said, he intended to support the second Reading of this Bill, because he believed that a great body of his constituents desired that he should do so. The objections raised by the right hon. Member for Oxfordshire (Mr. Henley) were all such as could be dealt with in Committee; and because he believed not only that the Bill would not, as had been stated, give increased facilities for intoxication, but that it would lead to a directly opposite result. He had found in those countries where he had to carry out extensive contracts, and where wine was the principle beverage, that the natives employed by him were among the soberest of his workmen. For instance, in connection with the contract his firm had undertaken for the construction of the Mediterranean Railway, upon which were some of the heaviest engineering earthworks that it had ever fallen to his lot to construct, he had taken into his

employment about 3,000 of the Piedmontese peasantry. These men drank the wine of the country, they worked well, they saved money, and they took it home to their families; and he had not heard of a single case of drunkenness having occurred amongst them. Now, if this were the case there, he could not understand why, the same state of things being established, and wine rendered easily and cheaply accessible to our working men, the same result should not be attained in this country. For these reasons he felt that he was conscientiously performing his duty in supporting the second reading of the Bill.

SIR WILLIAM MILES said, he assented to the principles laid down by the Chancellor of the Exchequer respecting the wine duties; but he wished to know whether the right hon. Gentleman was willing to relinquish the 4th clause of his Bill, that being the one which imposed a tax upon all refreshment-houses of whatsoever degree they might be. There were throughout the country many small shops at which were sold apples, oranges, ginger-beer, ginger-bread, &c., and which would doubtless be brought within the provisions of the Bill, as they were in every sense of the word refreshment-houses; but the proprietors were in many cases poor women in a humble condition of life, who managed to eke out an existence by the sale of the articles to which he had referred. Were such as these, then, to be compelled to pay a licence of 10*s.* 6*d.*? His own impression had been, when listening to the speech made by the Chancellor of the Exchequer upon the introduction of this Bill, that it was intended only to compel those refreshment-houses that sold the wine which he anticipated would, under his new measure, find its way into this country to take out licences. His vote upon the second reading of the Bill would depend entirely upon the answer the right hon. Gentleman gave to this question; for he quite approved of the licence being made compulsory where wine was sold, but should strongly oppose any attempt to impose a licence upon all refreshment-houses whether they sold wine or not.

THE CHANCELLOR OF THE EXCHEQUER:—The short, but, I think, most able speech of my hon. Friend (Sir M. Peto) has opened the line of remark which I should have wished to take, and has diminished the labour, such as it is, which still lies before me. My hon. Friend pointed out, with a clearness which I cannot hope to do more than imitate, that the right hon. Gentleman (Mr. Henley) had, while giving his assent to the general principles and objects of this Bill, founded his opposition to it entirely upon mere points of detail. But for the speech of the right hon. Gentleman, I should have simply said to the House, "Of course this is not the occasion on which I ask any Gentleman to vote precisely what houses shall be liable to the refreshment licence, what is the precise description of persons who shall take the wine licence, what shall be the exact conditions of magisterial interference, what the hours of closing, or whether the magistrates shall be bound to give the party a hearing; or any other of the questions that have been mooted." All those questions I should have thought would have been left to the Committee on the Bill. I am sure the right hon. Gentleman will put a favourable construction on what I say, because no one contributes more valuable aid to the debates of this House by his acute and unrelenting criticism; but when he has had as much experience in framing Bills as during the last twenty years he has had in dissecting and judging Bills framed by others, I will promise him that, especially in devising new systems, he will not find it easy to avoid raising real and sound objections on the part of critics not half so keen as he is. His objections turn on two points. In the first place he complains that all refreshment houses having nothing to do with the sale of wine and strong liquors are dragged head and shoulders into this Bill; and, secondly, that we do not give the parties a right of being heard before the magistrates. Now, on the first of these points I do not think that either the right hon. Gentleman or the hon. Baronet who has just spoken can have read the Bill aright. I do not know whether the language of the fourth clause is sufficient for its purpose; but I can say most unequivocally that its object is not to impose the liability to take a licence upon all houses where refreshment is sold—not to impose that liability even upon all houses where casually it may be consumed upon the premises—but to impose it upon houses which are kept open for the purpose of selling refreshment to be consumed on the premises. I mean that the consumption upon the premises is to be the business for which the house is kept open. That is the principle of this part of the

Bill. The right hon. Gentleman will see that the object with which the clause has been framed entirely disposes of his gingerbread, oranges, and barley-sugar cases, and all the rest of it, because these are not houses kept open for the purpose of selling refreshment to be consumed on the premises. That I hold to be clear as a matter of fact. But the question raised by my hon. Friend the Member for Somersetshire (Sir W. Miles) is a wider one. I believe it will be answered by the exemptions in the seventh clause, which apply to all small places. At the same time, I look upon this part of the Bill as involving matter which is secondary and incidental to the main object of the measure, and which, undoubtedly, I, for my part, thought it my duty to adopt mainly in deference to the authority of a unanimous Committee of this House, and to what I know to be the views of the police authorities. To me it seems not unreasonable that, especially in large towns, in conformity with the views taken by the Committee, those houses which are kept open for the purpose of the consumption of refreshments upon the premises, and which become places of public resort and amusement, should, under certain conditions, and in principle, be brought within the superintendence of the police. And I am bound to say that I do not believe there is that great objection to the supervision of the police by this description of persons which has been supposed. I have only received one remonstrance—and one, I think, which ought to be attended to—from the bakers, who say that they occasionally sell bread to be consumed on the premises; and if they are within the operation of the Bill they certainly ought to be relieved from it. But I do not regard this portion of the Bill as forming any part of its essence, and only wish the House to give a candid consideration to the recommendations of the Committee upon this subject. Any proposals which accord with the general spirit of the suggestions made by the Committee will answer my purpose, and even if the House thought fit to strike out of the Bill all that relates to the licensing of refreshment-houses, the main object of the measure would not be affected. Then, as to the hearing before the magistrates, to which the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) devoted so large a portion of his speech, there is only one thing which the gentlemen of the Alliance who reported what fell from me would have done well to add had they recollected it. I frankly owned referring to the simple and arbitrary discretion given to magistrates, that this Bill was drawn with an almost unlimited desire to give them every possible power to decide matters of fact, and required only honesty and intelligence to give it effect. And I do say that the provisions of the Bill, as they stand, are so stringent that I believe I shall find it necessary to limit and restrain them. I so entirely agree with the right hon. Gentleman, that if I had had the opportunity of reprinting the Bill at an early period, I would have inserted words to give express recognition to the right of hearing. Such being the case, the question between the right hon. Gentlemen and myself is simply one of detail, and in order to consider the details it is that I ask the House to allow the Bill to be discussed in Committee. The hon. Member for Maidstone (Mr. Buxton) has spoken of the position of a great and powerful party in respect to this matter. All that has been said by my hon. Friend I am sure has been said in good faith and sincerity; but I doubt whether what he has described as his own case is precisely the case of other persons in similar positions. The hon. Gentleman says, "Let the Chancellor of the Exchequer withdraw this Bill and bring in another, and he will have no difficulty in passing it." It is a very great compliment to the Chancellor of the Exchequer to suppose that, even with the assistance of my hon. Friend the Secretary to the Treasury, of the Revenue departments, and of my official colleagues, I could frame a system novel in its application in such a way as beforehand to put aside all objections. But I am not so sanguine. I believe there is nothing like a Committee of this House, with its variety of minds, of interests, and of powers to bring to bear upon particulars, for considering the details of this measure. Then this question comes back to this point, do we mean rigidly to stand by the licensing system as it exists, or not? That is the real question before the House. It is no easy matter to raise this subject at all. My right hon. Friend (Mr. Henley) is one who will manfully face the question when it is raised; but he knows that it is not easy to deal with a question of this kind, and I say with unfeigned respect that the hon. and learned Member for Marylebone (Mr. James) discussed to-night the claims of the licensed victuallers with an ingenuousness not often met with, although

those demands influence sometimes directly, sometimes negatively, the decisions of their representatives. The right hon. Gentman (Mr. Henley) has fairly said that the Government, having induced the House to consent to a large sacrifice of revenue in order to admit French wines at a low duty, it was their duty to submit to the House the unsatisfactory state of the law with reference to the sale of wine in this country. It is unsatisfactory, in the first place, as to the simple sale of wine not to be drunk on the premises; and, above all, unsatisfactory as regards the sale of wine to be consumed in houses of refreshment. I heard the hon. Member for Leominster (Mr. Hardy) say that he would give every encouragement within reasonable limits to the consumption of liquors of this kind in families; but disposing of the case of families is not disposing of the whole country. We have now a social organization under which, especially in great towns, but also in smaller towns, there are hundreds, thousands, tens of thousands, aye, in London hundreds of thousands of persons—shopmen, shopwomen, seamstresses, agents, commercial travellers, and others—the nature of whose daily occupations would disqualify them from profiting by the boon which the hon. Member for Leominster would give them, to consume wine in their families. We plead on behalf of those classes; we desire to meet a legitimate necessity. We offer a measure which in principle aims at promoting the use of a lighter and more innocuous drink in comparison with the spirits which are sold now. That is a legitimate object of legislation, and we ask you now to allow this Bill to be considered in Committee. But then comes the real case. The question is not whether cases shall be heard by the magistrates, nor whether we should tax coffee-shops, but whether the Bill is likely to cause a great increase of intemperance, that is the only consideration we ought to entertain on this occasion; and I feel that the right hon. Gentleman opposite will not do justice to the subject if he records his vote against the second reading. It is a question whether this Bill will tend to promote and increase intemperance. Who is it that tells us such will be the case? Who are they who combine to form the opposition to this Bill upon the ground that it is likely to increase drunkenness? It is the same proposition, but it proceeds from parties who are singularly united in a sort of concordant discord. There is an old fable, called, I believe, the "Vision of Hercules," which is in point. When Hercules was young, he dreamt that he came to a certain point of the road, where he was met by two figures—one the figure of Virtue, and the other the figure of Vice. He was solicited by Virtue to go one way and by Vice to go another. We are, in regard to this Bill, much in the position of Hercules, as we are encountered by two figures of Virtue and Vice. But instead of Virtue soliciting us to go one way, and Vice pressing us to go another, we have both Virtue and Vice leagued against us, both standing across the road and refusing to allow us to proceed. It is not the influence of Virtue that is formidable on this occasion. I know the virtuous motives of those who support the temperance movement, which the hon. and learned Member for Marylebone (Mr. E. James) has manfully thrown overboard in his speech. The arguments used are a group of assumptions fastened together, which it is difficult to separate and to deal with. We are told that the use of wine is to be considered exactly as that of ardent spirits. These practical philosophers will not condescend to draw any distinction; they have invented phrases, "alcoholic liquids," "intoxicating liquids," and such like; but my right hon. Friend the Member for Oxfordshire could readily show them the fallacy of mixing up things which are so distinct. There is a difference between the lighter wines of Northern Europe and the gin which is consumed in rivers in our great towns. Some one has given us a deplorable description of the drunkenness that prevails in France, and I began to think that no English traveller could have made a proper use of his eyes. However, I have found a testimony which is entitled to great weight, coming from a man pledged by his sacred profession, eminent for his eloquence, distinguished and beloved for all his virtues—Dr. Guthrie. That gentleman, before he devoted himself to his present calling, resided for some time on the Continent, and in one of his works, *Cities; their Sins and Sorrows*, he says that he was in Brussels and Paris during periods of great national festivity, and that he did not see in seven weeks as much drunkenness in those capitals as he would meet with in seven short hours in London, Edinburgh, or any other of our large towns. That, Sir, is the testimony of an impartial witness. I have spoken of the fable of Virtue and Vice; and I appeal from them to what

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I call the common sense of the House of Commons and of the country at large. I have heard references made to the number of petitions presented against this Bill; but I deny that this Bill is disapproved by the public opinion of England. We all know that wherever there is an organization the numbers which it commands are easily available for the purpose of signing petitions; but in this case we have the strongest evidence, from the press, from various authorities, and even from several distinguished friends of temperance, in favour of the principle of the measure. The real question is this, Will you attempt to modify or improve the present system? I grant that this Bill is so far inconsistent with the Report of the Committee that it falls short of that Report; but I hold that it is in harmony both with the spirit and even with the letter of that Report. I will refer to some of the erroneous opinions that are urged against the Bill. It is insisted by some that you should treat the use of wine, and even of the lightest wine, as you do the use of brandy, for instance. It is also insisted that you have nothing to look at except the number of houses for the sale of liquors in order to ascertain the measure of drunkenness that prevails. The case of Liverpool has been referred to, and I will show the House how untrue that is in the case of Liverpool. It is true there is a large number of public-houses in Liverpool; but I think the hon. Member for Leominster (Mr. Hardy) when he was dealing with this subject, and when he was referring to the case of Liverpool and Manchester, did great injustice even to those beerhouses with respect to which so much has been said. He adverted to the great difference in point of sobriety in favour of Manchester against Liverpool, but he omitted to notice that the characteristic of Manchester was that there was a greater number of public-houses with a smaller number of beerhouses, and that the characteristic of Liverpool was the reverse. It is not true that in Liverpool the offences vary with the number of public-houses. I have got before me the number of persons brought before the magistrates in Liverpool for drunkenness in a series of years, and also the number of licences granted. I find that in 1846 the magistrates granted seventeen new licences to public-houses; and in 1847 there was a diminution of 256 in the number of persons brought up for drunkenness. In 1852 the magistrates gave no new licences; and in 1853 there was an increase of 1,144 in the number of persons brought up for drunkenness. In 1854 the magistrates gave two new licences; and in 1855 there was an increase of 1,018 in the persons taken up for drunkenness. Lastly, in 1857 the magistrates gave the immense number of thirty-two new licences in Liverpool; and in 1858 there was a decrease of 1,259 in the persons brought up for drunkenness. That shows you how loosely and how wildly those doctrines are thrown out. Some hon. Members may have seen a small tract in which a great number of eminent medical men in this country are made to declare that all strong liquors, under whatever condition, are extremely mischievous, and that total and universal abstinence from alcoholic drinks and intoxicating beverages of all kinds would greatly contribute to the health and prosperity of the human race. Naturally enough, I looked among the list of names for that of the gentleman of whose professional assistance I had availed myself, and by whom I have been recently advised. I found his signature appended to the document, at which I was not a little surprised, seeing I remembered that he recommended me, as a means of recovering my strength, not illiberal potations. I afterwards asked him whether he had signed that document or not; he replied that he had; and on expressing my surprise at his having done so, he assured me that in signing it he meant nothing more than that excess of water was less injurious than excess of wine. That was the opinion of a very eminent medical man, Dr. Ferguson; and I believe it is a gross error to suppose that the testimony of those who study the health of mankind is against the moderate use of spirituous liquors. It is said by some that there can be no such thing as a moderate use of them—that the thing is altogether evil. But it seems to me that if you ought to proscribe the use of them you ought to proscribe a great many other things. Is not the love of money, for example, as prevalent and as universal as the love of wine? I never heard that those who denounced the use of alcoholic liquors carried their own principles with consistency into effect; and if they did so, the end of it ought to be that they should go, like the anchorites of old, and people the deserts of Egypt. But the doctrine, that the use of wine is to be treated as an unqualified mischief, and almost as a sin, is incompatible with the usages and necessities of society. That, however, is at the root of the opposition made by one portion of the opponents

to this Bill. One would really think that everything you have to do is to keep down the number of houses where alcoholic liquors are sold. It seems to be supposed that the whole population of England—man, woman and child—are in a state of earnest and intense anxiety to become drunkards, and that the only reason why they have not fallen into that condition is that the public-houses are too full to hold them. The present system, of which I must say in practice the opponents of the second reading of this Bill are the defenders, has peculiar characteristics, easily understood. The great abuse of that system is, that from its very nature it reduces to *nil* the difference between good character and bad character in the conduct of public-houses; and I will give the House an illustration. I was lately staying at the house of a magistrate in the country, and one day he had been attend- a licensing meeting, and on his return he told me that they had been adjudicating on an application for a licence for a new public-house in the village of So and So; and that they had not granted it. I asked him why? He said they did not grant it because there were two public-houses in the village already. I believe the magistrates were anxious to do their duty. I said to him, "Was the man who applied for the new licence a person of bad character?" He said "No." I asked if the two men who had a licence already were of good character. He replied, on the contrary, that they were men of very bad character. "So, then," I said to him, "because two men who are already in possession of a licence in the village are persons of bad character, you must refuse it to a third, who is a man of good character." The present system has this for its main characteristic—that it creates a compound interest in the trade, requiring of the publican capital not only to carry on his business, but likewise by way of advance, in the first instance, for that licence of which he comes into possession as a monopolist, and so placing him under a double pressure to stimulate the use of strong liquors. Is it possible to conceive a system that could more effectually paralyse the arm of magisterial power than this? There is no amendment of this Bill which I would not be glad to consider, except that which would re-create and reproduce the mischiefs of a proprietary interest in the licence. There has recently been brought before the public one of those excessively rare cases in which the renewal of a licence to a public-house has been refused. The case came before the Middlesex magistrates, when the inhabitants of an entire neighbourhood petitioned for the refusal of the renewal of licences to two persons who had been originally pugilists and then publicans. The consequence of these persons having got licences was that the neighbourhood became the scene of continual disorder, and the case was so extreme that the renewal of the licences was refused. The hon. and learned Member for Marylebone told the magistrates plainly that when the licences were originally given they must have known the men who had made application for them; and yet these are the kind of men who are considered fit, under the present system, to be armed with licences, and who, when they get licences, are hedged and fenced about with every obstacle that can interfere to prevent the right discharge of magisterial duties. That is the system we have now before us, and, if the last hand were wanted to be put to it, that hand was put when you invented a scheme by which the sale of spirits was kept apart from the sale of victuals; and you permitted any kind of amusement to be carried on in the houses to which your licences were given. It is this system we wish to modify; we wish to exclude that arbitrary discretion which makes the magistrates the judges of the number of houses and the quantity of liquor that ought to satisfy the demands of a district. Not because we distrust the magistrates, but because it is beyond the power of man to regulate such matters. And we think there is great virtue and hope in giving an opening for the consumption of those lighter wines which have now for the first time during many generations obtained something like justice in the arrangements of the British tariff, and in endeavouring to bring into union those two operations of eating and drinking which it has been the practical effect of our system to dissever. That is the question on which we must vote to-night; and, believing as I do that the rejection of this Bill will cause great dissatisfaction in the country, and likewise believing that it is well entitled to the approval of the House of Commons, I confidently anticipate for it a favourable verdict.

MR. NEWDEGATE rose amid cries for a division, and protested against the Second Reading of the Bill. It had been said that the measure was opposed by a combination of Vice and Virtue—Vice, he presumed, meaning the licensed victuallers,

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and Virtue the temperance community. But there was another important element in consideration of the question—common sense, and in that respect the principle of the measure was directly opposed to the recommendation contained in the Report of the Select Committee. The Chancellor of the Exchequer was undeterred by the warning of experience. Acting on the principles enunciated in the Report of the Committee and on those of common sense, he should vote against the Second Reading.

Question put,

The House *divided*:—Ayes 267; Noes 193: Majority 74.

Main Question put, and *agreed to*.

Bill read 2° and *committed* for *Thursday*.

THE CHANCELLOR OF THE EXCHEQUER said, hon. Members were aware that in the Bill, as it now stood, the licences were printed in italics, and would not, in fact, form part of it, until agreed to in Committee of Ways and Means. He hoped, therefore, that they would permit him to go into Committee of Ways and Means at once. The licences could be discussed on the first clause of the Bill.

MR. NEWDEGATE and MR. AYRTON objected to the course proposed.

THE CHANCELLOR OF THE EXCHEQUER said, he refrained from pressing his request against the wish of the House. He proposed to go into Committee of Ways and Means on Thursday, before going into Committee on the Wine Licences Bill.

CENSUS (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. VINCENT SCULLY said, he objected to its being gone into at this time of night. He thought it would be better to take the Irish Census annually than decennially.

MR. CARDWELL hoped his hon. Friend would not object to the Second Reading, and reserve any suggestions he might wish to make for another occasion. The Bill introduced no new principle and created no new expense. The same system would be adopted now as had been employed on former occasions, and the Irish constabulary would do the work at a most trifling cost.

MR. HADFIELD asked why a distinction should be made between the mode of taking the census in England and Ireland?

Bill read 2°, and *committed* for *Friday*.

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, May 8, 1860.

MINUTES.] PUBLIC BILLS.—1ª Exchequer Bills (£13,230,000).

2ª Duchy of Cornwall (Limitation of Action); Bankrupt Law (Scotland) Amendment.

BANKRUPT LAW (SCOTLAND) AMENDMENT BILL.—SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading of this Bill, said its object was to remedy a flagrant abuse which had existed for some years in the administration of the bankruptcy and insolvency law, and which had brought great discredit upon both England and Scotland. By the law of Scotland any person who had been resident there for forty days was domiciled so far that he might sue and be sued in the Courts as a domiciled subject of her Majesty in that part of the United Kingdom, and he might have a commission of bankruptcy, or a sequestration, as it was called, issued against him, which, if he succeeded, discharged him from all obligation in respect of debts, enabling him to begin the world anew. This provision of the law had been taken advantage of to an extent of which their Lordships probably had no idea. A vast number of bankrupts and insolvents had gone from England to Scotland, and, having lived there for forty days, amusing themselves, perhaps with deer stalking and grouse shooting, got a sequestration sued out against themselves at their own request. It was true that an advertisement was published informing the creditors of what was about to be done, but it called upon them to appear at Aberdeen or Inverness, or some other remote part of Scotland. Happening to be at Tobermory, in the Western Islands, about eighteen months ago, he was told that an English colony had established themselves there, consisting of English bankrupts and insolvents, and that their object was to get themselves "whitewashed" or discharged from their

engagements. The Scotch Courts were ashamed of the advantage thus taken of their law, but upon repeated attempts it was found that they had no power to remedy the evil. The object of the present Bill was to put an end to that practice. It enabled the Courts in Scotland, on petition, showing that a majority in number and value of the creditors resided in England, to recall the sequestration, and compel the bankrupt or insolvent to appear before an English Court where justice could be done.

Lord BROUGHAM said, he quite agreed as to the absolute necessity of putting an end to the abuse which his hon. and learned Friend had just stated to the House. Nothing could be conceived more worthy of reprobation than the conduct of parties removing to Scotland in order to defeat the just claims of their creditors in England, and taking advantage, behind the backs of their creditors, of the entirely different law which was administered in Scotland. He highly approved the present Bill, as forming part of that more general measure for the improvement of the bankruptcy and insolvency laws which had been introduced into the other House by his hon. and learned Friend the Attorney General, and which he hoped would be passed in the present Session; for the measure was the result of experience, carrying further the principle and provisions of the measures introduced by him (Lord Brougham) in 1831, with the subsequent improvements of 1842 and 1849, and not the rash destruction of existing systems in order to set up a new and untried system in their place, which was a wrong mode of attempting the amendment of the law. He trusted that that measure would receive due consideration from the wisdom of the lower House, and would, with such Amendments as might be deemed necessary, receive their Lordships' assent.

Lord CHELMSFORD, while admitting that the Bill would effect a salutary change in the law, took exception to the retrospective operation of the first clause, and to the provision that the Court should order the recall of the sequestration on the petition of any single creditor. This was giving too great a power to any one creditor, and he trusted this and the previous clause would be reconsidered by his noble and learned Friend before the Bill went into Committee.

The LORD CHANCELLOR said, he was not apprehensive of any danger arising of the nature first suggested of his noble and learned Friend; and with respect to the second, every petition would be duly considered on its own merits by the Court before it proceeded to grant the application.

Bill read 2ª, and *committed* to a Committee of the whole House on *Thursday* next.

CANONS AND BOOK OF COMMON PRAYER.

RESOLUTION MOVED.

Lord EBURY :* My Lords, if I do not commence the address which I am now about to make to this House by a lengthened appeal for a patient hearing, it is not because I am insensible either of the magnitude of the question with which I have to deal, or of my own want of ability; but it is because I think that the best return I can make for the indulgent attention with which your Lordships were pleased to favour me upon a former occasion, will be, as far as in me lies, to curtail every superfluous word, and to go at once to the discussion of that question which I have undertaken to lay before you. Indeed, my Lords, I do not underrate the difficulties with which I am surrounded; and when I think of the blessings which may arise from a right decision in this matter, and the disasters which may flow from an unwise one, I am ready to shrink from the responsibility which I am incurring, and am oppressed with a sense of my own insufficiency. Your Lordships will, I am sure, take these circumstances into your consideration, and not scrutinize with undue severity the imperfections which I bring to the discharge of a most arduous duty. My object, then, is to induce the House to address the Crown for a Royal Commission to Revise the Book of Common Prayer and Canons of the Church, with the object of recommending such alterations as shall to them seem desirable.

Should this Commission be appointed, it will have no power to alter a single word contained in the documents referred to it: all it can do is simply to make recommendations. When the Commissioners have made their Report, it will, no doubt, be submitted to Convocation, and if approved by that body, then to the Imperial Parliament. Unquestionably it would be competent for Her Majesty to omit Convocation altogether; but I sincerely trust

that, for reasons which I gave on a former occasion, such a policy will not be recommended. Those, therefore, who vote for my proposition will simply be voting for an Inquiry. No one, however, I presume, will do so, unless he shall think that alterations are really required, and believe that there is fair prospect of an adequate remedy being suggested, should a Commission issue.

As far as argument goes, I should be content to sit down at once, and to rest the issue of this Motion upon the speech which I addressed to your Lordships in the month of May, 1858. I have in no way altered the opinions to which I then gave utterance, and to this day that address remains unanswered. If I turn for an explanation of this to the conjecture that the subject was not of sufficient importance, I am met by the fact, that, for the last twelvemonths and more, pamphlets without number have issued from the press in reference to a Revision of the Liturgy and Canons, meetings have been held in different parts of the country to debate the subject, the various papers taking cognizance of ecclesiastical matters have been filled with articles and letters regarding it, and even the daily press has taken part in the discussion. If I turn, to what I should naturally turn to, for a solution of the difficulty—namely, the insignificance of the individual who enunciated these opinions, I am again baffled by the fact that both that speech and the humble individual who has now the honour to address you have been the subject of a manifesto almost unparalleled, which has obtained the signature of nearly ten thousand of the clergy. To this declaration it will be my business later to call your Lordships' particular attention; I will therefore leave it for the present.

As, however, in all probability, many of your Lordships now present, neither heard nor read my former statement, as most will have but an imperfect recollection of it, and as, moreover, many circumstances have happened since which have a material bearing upon this case, I fear it will be absolutely necessary for me again to trespass upon your patience, in order to a due understanding of the question at issue. The circumstances to which I allude are these: your Lordships will recollect that when I brought forward this Motion originally, the question had for so many years been in abeyance, or been merely incidentally alluded to at rare and distant intervals, that it had almost become a new one, and may be said to have rusted in the archives of Parliament: so much so, indeed, and so little understood did I find it, that I willingly consented at that time not to ask for a decision from this House; and in that conclusion I am sure your Lordships will think that I was guided by a wise discretion. Much, however, has happened since that time. You will recollect that one of the parts of the Liturgy which I thought called for revision, was that containing what are generally called the State Services. Not long after I had brought my Motion before the House, a noble Earl directed the attention of the House to that particular portion of the Prayer Book, and succeeded in inducing the House to address the Crown for the purpose of removing them. They were accordingly removed. History will undoubtedly, and justly, award the merit, whatever it may be, of this change in our Liturgy to him; but, my Lords, perhaps I may be allowed to pick up some of the crumbs which fall from my noble Friend's table; because, although it is by no means certain, it is just possible that had I never given notice of my Motion, the noble Earl might have waited a little before success had crowned his well-directed efforts. I must, however, be permitted to say that I infinitely prefer my own method of dealing with these matters to that adopted by this House on the recommendation of my noble Friend. I proposed revision; my noble Friend's measure was one of excision: and so much did I feel this, that when a noble Duke proposed to interpose a short delay to check this precipitate action, and to see whether some memorial might not be allowed to remain in our Service Book of these events—some traces of these great landmarks of our national history—I expressed myself in favour of such a proposition; and there cannot be a doubt, as the event has proved, that the prejudices—if you like so to call them—of many old-fashioned people were unnecessarily shocked by this over-hasty mode of action.

But this is not all that has happened: that which some persons picture to themselves as too fearful an ordeal for church matters, the House of Commons, had to be appealed to for a confirmation of our act. Well, my Lords, and was there any opposition there? Yes, undoubtedly there was; but from whom did it proceed? From some envious Nonconformist? No! but

from that champion of orthodoxy—and I am glad to acknowledge him as such—the Member for North Warwickshire. He proposed that the Bill should be postponed for seven days, which elicited from Mr. Roebuck the remark that it ought not to be delayed seven minutes. Thus, my Lords, you see that a part of my Motion, though it was not acceded to on my proposition, requiring the assent of the Imperial Parliament, has been carried, almost without a dissentient voice.

With regard to the Church Establishment, the Imperial Parliament will, I am certain, second with all its power any attempts which the rulers of our Church may make for the purpose of relaxing those restrictions which cripple the energies of our Church, and would be likely to enable her to adapt herself to the difficult circumstances in which she is placed in consequence of past neglects. It is most reasonable to require that, before new laws or regulations are made binding upon us, the sanction of Parliament should be asked. Because it is not to be supposed that we can avail ourselves of all the privileges and advantages of an Establishment, and at the same time enjoy the immunities of Dissent.

I think, then, you will agree with me, that the aspect of the question has undergone a material alteration; and it affords me no small encouragement. The next event, however, to which I wish to direct your Lordships' attention, is not of so encouraging a nature. Your Lordships naturally look with the respect and interest that I do, at any indications of opinion afforded us by the Right Rev. Bench. Now I find that in 1855, by a paper which was presented to Parliament, the Canterbury House of Convocation addressed to the Queen the following petition:—

"We, your Majesty's faithful subjects, the Archbishops, Bishops, and Clergy of the Province of Canterbury, assembled in Convocation, humbly represent to your Majesty,—

"That Committees of Convocation have sat, and, after careful consideration, have reported to Convocation on various subjects deeply concerning the spiritual welfare of this realm—namely, on the measures needful for enforcing discipline amongst her Clergy, the extension of the Church, the modification of her Services, and the reform of the representation of the Clergy in the Provincial Synod of Canterbury.

"We are convinced that the full consideration of these subjects is of great moment to the well-being of the Church.

"(Signed) J. B. CANTUAR."

Two years later they appointed a Committee to consider what was best to be done. This Committee, the following year, made a report to that House which I cited on a former occasion, and which was favourably received, recommending, amongst other things, several alterations and additions to the Church Services, none of which could have been carried into effect without the sanction of Parliament. These things, together with the speeches made in that Clerical Parliament, were, I can assure this House, my great encouragements to persevere. Your Lordships will, then, I am sure, share my surprise, if not my disappointment, when I tell you that last year the Upper House of Convocation of the Province of Canterbury came to a determination that they would not countenance any alteration whatever in the Liturgy. I cannot say how much I regret this; most of all, I must say, in reference to the right rev. Prelates themselves. In the first place, it wears the appearance of vacillation, and would seem to justify the caustic remark of a very rev. Dean, "that the children were come to the birth, but there was no strength to bring forth." In the second, it puts them in a position of antagonism to all reform in this matter—a position which can no more be maintained than an attempt to check the ebb and flow of the river, on the banks of which we are now assembled. Well; but, my Lords, there are other means of ascertaining the opinions of great men in the Church, besides learning what passes in the Upper House of the Canterbury Convocation. I am not sure whether or not the Lower House is a distinct body, or an integral portion of the other; but at all events it is composed of great office-bearers of our Church; and a very significant circumstance took place there a very short time ago. They were invited by one of their members to express their approval of the resolution of the Upper House against revision. They received the proposal very respectfully, and they debated the question with great ability in very courteous terms towards each other; but if any of your Lordships desire a specimen of the *suaviter in modo* and *fortiter in re*, you cannot do better than procure a report of that interesting debate. As to the proposal of concurrence with the Upper House, so unequivocally was the feeling expressed against it, that the proposer did not venture to divide. There, at all events, in the matter of Revision, we have a house divided against itself, the end of which it

not very difficult to foresee. But there is again another manifestation of clerical opinion, which may guide us in our decision. It is that declaration to which I have already alluded, and to which I now beg to invite your Lordships' attention.

If any one had told me previously that I should have been the object of an address signed by ten thousand of our clergy, I should have suspected his sanity; nevertheless, such has actually come to pass, and as it begins with Lord Ebury, ends with Lord Ebury, and is an anticipatory inculpation of my conduct, I hope the framers will not be offended if I comment upon it with perfect frankness. All I fear is that, in the course of my remarks upon it, I may seem to appear somewhat ungrateful to those who have placed me on so lofty a pedestal. The declaration, with its preface, my Lords, has two capital defects: it is feeble, and apparently disingenuous. There is nothing that candid men so much condemn as taking a sentence out of a man's writings, and attempting to give it a signification which, when taken with the context, it will not bear. As to this quotation from my speech, it is unnecessary that I should read or even refer you to my speech, from which it is an extract; it is so unskilful that it carries its own condemnation with it. And how my respected friend, the Dean of Westminster, himself the author of an able treatise on the Revision of the Bible, could have suffered himself to stand godfather to such a production, I am at a loss to conceive. So much for the preface; now for the declaration itself. I should have thought that when so solemn a proceeding was had recourse to as that of demanding an expression of the opinion of the clerical body of England and Ireland, it would have been asked upon some definite alternative. But what does this tell us? You will recollect that this is based upon my speech of 1858, in which I laid down three points—that Revision was desired, that it was desirable, and that the method by which I proposed to effect it was both constitutional and expedient. Does this declaration deny any one of those propositions? Does it deny that our canons and formularies require revision? Not at all? All it says is, that any attempt to revise at this time would be dangerous. We old political stagers know full well the meaning of meeting a question, hitherto encountered by a direct negative with the previous question, *i.e.*, that it is not the right time; it is simply a prelude to a final surrender. This manifesto, therefore, may justly be called the Retreat of the Ten Thousand. And, my Lords, considering that this address pledges its signers to nothing—that it was issued not long after the declaration of distinguished prelates of Canterbury Convocation against Revision—that sea and land were compassed to obtain signatures, for it was sent not only to every clergyman in England, but also to those in Ireland—and that even to this milk-and-water document nothing like half the clergy have appended their names—I am entitled to say that the majority of the clergy have no foregone conclusions on this head, but that they are willing to give a candid and impartial consideration to any proposition for improving the Canons and Prayer Book of our Church. But, say these gentlemen, "it is not the time." Not the time! but, my Lords, when is the good time to come? Will you listen to these words? "*Ornatior quidem, accuratior, plenior, brevior, potest ea et debet fieri, sed tranquillis hominum animis, non inter media dissidia mutuasque suspiciones.* By whom, and at what time, do your Lordships think these words were spoken? They are taken from a sermon of Archbishop Secker, delivered just one hundred years ago; and, if things are to proceed in this way, it is possible that some hon. Member or noble Lord may make a Motion similar to mine in 1960, and say, "These words were quoted by a Peer one hundred years ago, moving for a Royal Commission, as used by an Archbishop one hundred years before that."

I do not think it would have been very difficult to give an answer to this declaration, even had it merely said, "We object to Revision at this time;" though it might not have been very clear with what arguments it was necessary to grapple. Fortunately, however, reasons are here assigned for the objection. "It will endanger," say they, "the peace and unity of the Church." Peace and unity of the Church, my Lords? Why, where has this sacred cohort been living? Peace and unity of the Church! It will be my melancholy task, to show not only that there is no peace or unity to disturb, and that this state of things is owing, not to any agitation for a Revision of the Liturgy, but that it is in consequence of that Revision not having taken place one hundred years ago, and there not having been a complete modification of that Act of Uniformity,

which has so miserably failed to promote that peace and harmony to which its title makes such a high-sounding and pompous pretension.

That there have been times, and those almost within the recollection of my own contemporaries, when there was peace in the Church, cannot be denied:—it was a peace much resembling what a man expects to find in a cemetery. But, during the last thirty years or more, there has been a religious revival, which, happily, has continued in an increasing ratio ever since. Somewhere about that time the Church fairly awoke from her protracted slumbers, and suddenly found herself face to face with evils of enormous magnitude. So entirely had the population outgrown her ministrations that, in all our great centres of industry, she was a mission in the midst of heathen. Our parochial system, admirable when it can really be carried out, was, in many places, an absolute hindrance; for some so-called pastors of thirty, forty, or fifty thousand inhabitants, actually objected to permit other clergymen to do anything, within their boundaries, to assuage the utter spiritual destitution which prevailed. The inadequacy of our Church system to cope with these evils became manifest; and the fetters, forged by the Act of 1662, were so acutely felt by earnest men, that every attempt was made to break them. All this was symptomatic of a healthy feeling. Unfortunately, our arch-enemy never allows a field to be sowed with goodly wheat without casting in a large admixture of tares, and he was not idle upon this occasion. When search was made amongst her archives to see what our Church really might do, a class of men whose peculiar bent of mind and of reading led them in that direction, thought they had discovered that our Church was wrongly denominated a Protestant Church, that it was scarcely a matter of doubt that we had been guilty of schism in departing from the Church of Rome, and that the nearer we could approximate to that Church the better it would be for us; and they appealed confidently—and, in my opinion, not altogether unsuccessfully—to the Book of Common Prayer in confirmation of the doctrines they put forward. This state of things led to the famous *Tracts for the Times;* and we have been in perpetual hot water ever since, till at last these heats have culminated in the riots at St. George's-in-the-East, where, however much the sacrilegious proceedings of the rioters may be condemned, it is clear that public sympathy is with the cause they are supposed to represent.

Here I should ill discharge my duty if I did not offer a tribute of gratitude to the Most Rev. the Primate for his conduct at this critical time. No sooner did this mischief appear on the horizon than, whilst others in high station were dallying with, if not actually encouraging it, he denounced it in successive addresses to his clergy, and, with a prophetic hand, traced out all those evils as likely to flow from it, of which we have lived to see the unhappy realization.

I will now proceed to demonstrate what the state of the Church has been ever since, and I will leave it to you to determine how far that can be called a state of peace, of which, I am told, I shall be the disturber. I moved, two months ago, for a return of all the suits in courts of law relating to the Church that had taken place during the last twenty years. I have been unable to obtain this return, and therefore can only avail myself of such information as I have been able otherwise to get at, with great trouble, but which is necessarily incomplete. The following is a list of cases:—

1842. Escott *v.* Mastin.—As to Baptism and Burial Services. (The Gedney Case.) In the Consistory, Arches, and Privy Council.

1843. Saunders *v.* Head.—Conflict between Bishop of Exeter and the Rector of Feniton as to Baptism and Confirmation. In Arches Court.

1844. *In re* Rev. Walter Blunt.—As to Rubrical Observances. (The Helston Case.) By Commission in the Diocese of Exeter.

1845. Rev. W. Ward's Case.—Condemned for Want of Good Faith in subscribing the Articles. By Convocation, Oxford.—Causing great excitement.

1845. Faulkner *v.* Litchfield and Stearne.—As to the erection of a Stone Altar in the Church of the Holy Sepulchre, at Cambridge. (The Stone Altar Case.) In Diocesan Court, Ely, and (on Appeal) in Arches.

1846. Barnes *v.* Shore.—As to Indelibility of Holy Orders. (The Totness Case.) In Arches and Court of Queen's Bench.

1847. The Queen *v.* the Archbishop of Canterbury.—As to the Order of Procedure on the Consecration of a Bishop by an Archbishop. (Dr. Hampden's Case.) Argued for three Days by ten Counsel in Court of Queen's Bench, and on judgment the Court equally divided—2 and 2.

1848. Regina *v.* Latimer.—Prosecution for Libel on the Bishop of Exeter in the *Western Times.* Verdict for the Defendant, followed by great agitation throughout the Diocese. Spring Assizes, Exter.

1849. Gorham *v.* Exeter.—Main question as to Doctrine of Baptism.

Proceeding by Duplex Querela in the Arches, 1st on Preliminaries.

Proceeding by Duplex Querela in the Arches, 2nd on the Main Question.

Appeal to Judicial Committee of Privy Council.

Motion to stay proceedings in Queen's Bench.

Do. do. in Common Pleas.

Do. do. in Exchequer.

A Bishop renounces communion with his Metropolitan.

1850. The Queen *v.* Rev. Mr. James.—Indictment for Refusing to Marry. Spring Assizes, Lancaster, 1850.

1851. Riots at St. Barnabas, Pimilico.—Proceedings at Police Courts, &c. Involved Resignation of Rev. Mr. Bennett.

1851. Manifesto of Archbishops and Bishops to Clergy of Church of England.—On Ritual Observances.

1854 to 1859. Ditcher *v.* Denison.—Involving the Doctrines of the Church of England respecting Baptism and the Eucharist. Representation to Archbishop: Reference to Bishop: Consideration and Admonition by Bishop: Application to a Second Bishop: Proceeding by Archbishop: Proceeding (1st) in Court of Queen's Bench: Mandamus of Archbishop: Proceeding (2nd) in Court of Queen's Bench: Commission. Judgment (still unreversed): Appeal to Arches: Proceeding by Mandamus—Court of Queen's Bench: Further proceeding in Arches: Appeal to Privy Council.

1857. Westerton *v.* Liddell, and Liddell *v.* Beal.—As to Decoration of Churches. Arches and Privy Council. Now again in Arches (1860).

1858. Rev. Temple West.—Confession and Absolution. (Boyn Hill Case.) Proceeding by Commission in Diocese of Oxford.

1859. Rev. A. Poole's Case.—Confession and Absolution. Proceeding before Bishop of London: Appeal to Archbishop: Mandamus from Court of Queen's Bench: Hearing before Archbishop's Assessor: Archbishop's Judgment: Appeal to Privy Council (now pending).

1860. St. George's-in-the-East and Mr. Rosier's Case.—Involving proceedings in Police Courts and Courts of Arches, and Questions as to Ritual Observances, Ceremonials, Doctrine and Teaching, Decorations, Brawling.

Other proceedings have agitated the Church, such as—

Rev. Dr. Pusey—Suspended for a Sermon: Archdeacon Wilberforce's Secession.—Threatened with Law Proceedings: Debate in the House of Commons, carried to a second day, on the induction of Mr. Bennett to Frome; The Madeira (Mr. Lowe's) Case:—A Bishop and Dean Excommunicated: The Jerusalem Bishopric Case: Golightly *v.* the Bishop of Chichester: The Lewes Burial Case, with Riots: Rev. Mr. Bricknell's Case.—Cautioned: Bishop of Winchester *v.* Heath: Cross Suits between Vicar of Enfield and his Churchwarden.—Two Suits now pending.

These are some, though by no means all, the cases which have so painfully occupied public attention. It must be borne in mind that, after all this litigation, with the exception of the Stone Altar Case, scarcely anything is settled; and, at this very moment, the suits of Westerton *v.* Liddell, and Poole *v.* Archbishop of Canterbury, are again before the Courts. It has been conjectured that the total amount of money spent in these unseemly contentions would be sufficient, as far as money can do so, to provide the means of coping with all the spiritual destitution of the Metropolis. The peaceful state of our Church is also described by the Right Rev. Prelate who presides over the diocese of Carlisle, in a letter recently addressed to his clergy, in the following terms:—

"In dealing, however, with Revision of the Liturgy, we must look to the state of the National Church at large. What are we compelled to witness? Not the calm and simple method of carrying on Divine Worship in the Sanctuary which characterized our Church Service in the days of our youth—a calmness and simplicity which was as compatible with fervent devotion as it was agreeable to the Protestant tone of the Liturgy of our Reformed Church. If it were not so, I would still say it is wise and right 'quicta non movere.' But I find the people irritated by the introduction of customs which, if legal, were at any rate obsolete; I find the Bishop of the diocese unable to control the use or the abuse of forms and ceremonies; and I am persuaded that such scenes within the sacred buildings, such weakness on the part of the Heads of the Church (the law at present gives them no power to interfere), and such bitterness of language used on all sides, are together undermining the affections of the Laity towards the Church."

Listen also to the language of another Right Rev. Prelate:—

"Again, the disgraceful and dishonest proceedings of several of our own body during the last few years; the deliberate efforts of some to deny the Protestant principles of the Church of England, and to palliate the most flagrant errors of the Church of Rome; the obstinacy of a few weak-minded persons in forcing upon unwilling congregations frivolous changes of dress and unauthorized novelties in ornaments and ceremonies; and, above all, the open desertion of our Church by many distinguished for zeal and ability, and their unblushing acknowledgments, in some instances, that they held all Romish doctrine whilst they ministered in our churches. . . . . These, amongst other causes, may be sufficient to account for the estrangement between our clergy and a large mass of our population."—(*Charge of the Bishop of Gloucester and Bristol*, 1857.)

Probably there is scarcely one of your Lordships who has not witnessed the disastrous effects of this system in your own neighbourhoods. I can give you a case within my own cognizance, of a large and important country parish. It had long been neglected—at length the incumbent died. The parishioners received the new rector with open arms, ready to give him all the aid in their power. Not six weeks

had elapsed before, in consequence of some of the innovations which he chose to introduce, the church rate was lost, and the parish embroiled in contest from one end to the other.

If this is a state of peace, I am quite unable to understand the meaning of the term. And let it be remembered that, in every one of these cases, it was the unrevised Prayer Book and canons that were appealed to in the disputes, and the construction of which ruled the decision; also that many of the passages relied upon might fairly have been the subject of alteration or explanation had revision been resorted to in proper time. Let us, also, not forget that, until the last three years, there has been no agitation for Liturgical Revision, and that it originated in the bosom of Convocation itself. So far, then, from a state of peace, the condition of the Church may be summed up in a Sapphic stanza from the pen of one of our most popular poets, whose elegant Latinity was only surpassed by the beauty of his English lyrics—I mean the poet Gray:—

> "Splendidas ædes aditure mecum
> Quas eris semper fovet inquieta
> Lis ubi late sonat et togatum
> Æstuat agmen."

So much, then, for the peace of the Church. The citations I have already made will give a pretty fair index of its unity; but if any one wishes to convince himself of the perfect harmony which exists, I commend him to the pages of *The Union*, *The Guardian*, *The Record*, *The English Churchman*, *The Clerical Journal*, and one or two more, which I should think would convince the most sceptical that no such blessing is ours at present. When to that I add that two out of every five persons you meet, according to the most favourable computation to ourselves, are Nonconformists, I think I shall have completed the picture of a happy and united family. All this, evil as it is—aye, and even more than this—is to be accounted for by the continuance in our statute-book of that fatal Act of Uniformity, 14th of Charles the Second. Do let me beg your Lordships' attention to the words of a man who filled a high station in our Church—alas! for too brief a space—whose genius, attainments, accomplishments, and, above all, whose devoted attachment to the National Church have never been questioned—the late Archdeacon Julius Hare. He is speaking of the Act of Uniformity:—

Lord Ebury

"A strange voice passed through England—a voice which spake of unity. But it was soon stifled by the tumultuous cries of opposite parties clamouring in rivalry for uniformity. And ere long all hope was blasted by that second most disastrous, most tyrannical, and schismatical Act of Uniformity, the authors of which, it is plain, were not seeking unity, but division.

"The excuses which may be urged for the first Act have no place here, and though it is often pleaded in palliation of political parties that their measures have been taken under the exasperation of suffering and the intoxication of victory, this would be a sorry apology for the conduct of an Ecclesiastical Government. Yet it was required that every minister—not only such as might be ordained thenceforward, but all who at that time had any benefice or promotion—should solemnly declare their 'unfeigned assent and consent to all and everything contained and prescribed in and by the Book of Common Prayer.' The previous Canonical declaration, that the Prayer Book contains nothing 'contrary to the Word of God,' was hardly more than was implied in the engagement to make use of the Prayer Book in public worship. But this strait-waistcoat for men's consciences could scarcely have been devised, except by persons themselves of seared consciences and hard hearts—by persons ready to gulp down any oath without scruple about more or less. Verily, when I think of that calamitous and unprincipled Act, of the men by whom it was enacted,—Charles II. and the aristocracy and gentry of his reign,—of the holy men against whom it was enacted, it seems almost like a prologue to the profligacy and infidelity which followed closely upon it. But what were its direct effects with regard to the unity of the Church? It bore the name of Uniformity on its forehead. Can there have been any who persuaded themselves that a uniformity so enforced could be a means of unity? The only unity which could have ensued from it would have been that of a dead level; and full of woe as have been the consequences of this Act in its failure, they would have been still more terrible had it succeeded. Therefore, even we, who love and revere our National Church above every earthly institution, may bless God that it did not succeed. Yet how grievous was the wound to the Church at the time! How grievous is it still at this day in its enduring effects! Some two thousand ministers, comprising the chief part, it seems scarcely questionable, of the most faithful and zealous in the land, were silenced in one day, were severed in one day from their flocks, were cast in one day out of our Church for the sake of maintaining uniformity. On that, our English Bartholomew's-day, the eye wandered over England, and in every fifth parish saw the people scattered abroad as sheep that had no shepherd. From that day do we date the origin of that constituted dissent and schism which is the peculiar opprobrium and calamity of our Church, by which, in almost every parish, we find ourselves grievously crippled in our efforts to build up our people into a holy temple, acceptable to the Lord."

I will follow up this account of the Act of Uniformity by another description. It is from a different pen. An eminent living historian says:—

"Clarendon followed up this blow by the Act of

Uniformity, which, on St. Bartholomew's Day following, ejected 2,000 ministers from their livings, —which, if rigidly enforced (as it was intended to be), would have established a system of persecution unparalled in any Protestant country,—and which, notwithstanding the succeeding Act of Toleration, Annual Indemnity Acts, and other relaxations, has deprived the Church of England of the support of those who now form the Wesleyan and other powerful and pious persuasions, and has considerably impaired her influence and usefulness."—(*Lives of Chancellors*, by Lord Campbell, vol. iv., p. 85.)

That, my Lords, is the description of this Act given by the Lord Chancellor, now seated on the Woolsack.

Well, the Act was passed—the old dominant party triumphed. Then came the Five Mile Act, the Test and Corporation Act, and so on. And in our Litany, and so it remains to this day, we invoked the Divine blessing upon that, which, if we are permitted to know anything of the counsels of the Most High, is one of the most hateful things in the sight of the Supreme Being, namely, the use of the sword of the civil magistrate for the propagation of religious truth. But we were not satisfied with praying; we prosecuted the hapless Nonconformists from city to city, from town to town, from village to village, haling men and women, and committing them to prison and to death. But how wonderfully do we see Divine Providence overruling all things to some good! But for this persecution, humanly speaking, we should never have possessed a book which, with the single exception of Holy Writ, has done more good, and gone through more editions, than any other work that ever was written—I mean, the incomparable allegory of *The Pilgrim's Progress*. And so hot was our persecution against our Nonconformist brethren, that we actually drove them into the arms of the Papists, and they together, by a strange conjuncture, obtained the Act of Toleration, one of the great charters of our liberty, from the hands of a Popish monarch. I will not go over the dreary history of our Church in the eighteenth century, during which the trumpet blown by Wesley and Whitefield scarcely interfered with our slumbers; but it is well worthy of remark, that no abundant blessing seems to have been vouchsafed to us, so long as one of these persecuting Acts remained upon our Statute-book. I myself sat six or seven years in Parliament before the Test and Corporation Act, and the Roman Catholic Disabilities Act, were repealed; and from that era we may date that remarkable revival of genuine religion which I have described in an earlier part of my address.

I am now compelled to ask your Lordships' attention to some very serious dangers, to which we are exposed, if we continue any longer as we are, and neglect to attempt that comprehension which I believe can certainly be effected, and to which the last clause of the prefatory part of my Motion points. My Lords, my right Rev. Diocesan has very correctly defined the theory of an Established Church. He said, during the debate on the Services in Theatres, that his only idea of a National Church was one rooted in the affections of the people. I am sure you will concur in the propriety of that definition. But, my Lords, can anybody, seeing what is passing around us, bring himself to assert that such, or anything like such, is the case with our Establishment? It is a very painful subject to speak upon; but it is much better to speak out. That, as a body, the ministers of our Church are highly respected, we have ample testimony; and if I could only persuade your Lordships to adopt this Motion, there is just ground for hoping that the Church would realize the definition of my right Rev. Friend. But can we shut our eyes to this fact? The pastors of at least four millions of the inhabitants of this country are content, for conscience' sake, to forego all participation in a revenue of £4,000,000 a year, all hopes of attaining one of some thirty life peerages, many other great positions of dignity, usefulness, and affluence, together with a high social status amongst the aristocracy of the country. And when to this we add the consideration of the deep attachment of the great portion of this vast multitude to their pastors, is it possible to say of our Church that she is rooted and grounded in the affections of the people? Does it not, on the contrary, suggest that we are in circumstances calculated to excite alarm, and show the absolute necessity of attempting a remedy for these unquestionable evils? I grieve to say, my Lords, that I could mention other indications of a similar nature; but I refrain from doing so, because it is a painful subject, and because I have already so greatly trespassed on the attention of the House.

Supposing there was no such thing as Dissent, I should desire a Revision of the Liturgy and Canons for the good of our own communion; but with a state of Non-

conformity to the extent of that which is staring us in the face, a man must be dead to all sense of the magnitude of the evils of disunion, the vantage-ground it gives to our common enemy, the hindrance to success in our common object — one in comparison to which all other earthly objects sink into insignificance—if he be not ready to strain every nerve to put an end to it. The basis of the National Church ought to be as broad as possible.

But it is said, however this may be, all attempts at conciliation and concession will do nothing; you will drive some of your attached Churchmen away—you will gain nothing from the ranks of Dissent. These are assertions wholly unsupported by practical proof. As to losing attached Churchmen, were it proposed to exact some new test, or to narrow the platform of our National Establishment, I could understand such a consequence. But that, because a latitude, always allowed in some non-essentials, should be conveyed in language less ambiguous than heretofore, men warranted in retaining and propagating all the doctrines of our Church should, notwithstanding, leave our ranks, I can only consider as a libel upon the heads and hearts of those of whom such a course is predicted. And, again, as to not conciliating our Nonconformist brethren, no doubt the difficulties will be considerable. A wall of separation which we have been carefully building up for 300 years, cannot be pulled down in a day. Certainly, if no comprehension is attempted, none will take place; but it is contrary to all history, all experience, and to present appearances, to suppose, that an advance on our part will not be met by a corresponding approach from the other side. Many eminent men do not think that *an attempt* at comprehension will fail. Listen, in regard to this point, once more to the words of Archdeacon Hare:—

"Much, too, were it to be wished that certain double forms of prayer might be introduced here and there for the relief of scrupulous consciences, painfully wounded by having to read offices which pre-suppose a totally different state of discipline in the Church. But of these things there is little hope. The spirit of Catholic comprehension has seldom found a home in more than a very few hearts within our Church; the majority have mostly cared for little except maintaining their own position in whatsoever manner and however numerous the multitudes they might exclude from it. I do not mean that the removal of hindrances and obstructions would of itself bring back our brethren who have separated from us out of the pale of the Church. Though we retrace our steps, we cannot regain our former position; for the world meanwhile has been rolling onward. Nor can the manifold feelings of bitterness, and animosity, and pride, and self-will, which are generated and fostered by habitual schism, be stifled or eradicated in a moment. If our Dissenting brethren are to be reclaimed, it must be the work of time, and can only be accomplished by the preaching of the Gospel of truth and peace, and by proving that the Spirit does indeed dwell in the Church, manifesting himself by works of holiness and love. But the taking down of the fences which have hitherto kept them out, so far as this may be done without injury to truth and order, is a requisite preparative for this work."—*Preface to his Sermon upon Unity*, pp. 12, 13.

I have, also, a letter from a Layman well acquainted with the feelings of the Nonconformist body in the Northern district:—

"From what I have said you will see that I do not think the 'Religious Dissenters,' the office-bearers amongst them, would be likely to join the Church, because these are the very men most affected by the practical conditions of Lay-Church life referred to. But I have no doubt that a great number of persons would take the opportunity for which various discontents and distastes had long prepared them, and I am bound to admit that all Dissenters that I have spoken to agree in thinking that there would be a large secession. Your strong point, I think, is in the likelihood that the better sources of the ministry would be, for a time, lost to Dissent."

I have many others bearing upon this question, all in the same sense. I commend strongly to those who are interested in this question, a published correspondence between the Bishop of Adelaide and Mr. Binney, a distinguished Nonconformist minister, in a volume called "*Church Life in Australia*," in which this subject is elaborately treated; and although they cannot hit upon any definite plan of union, it is impossible to rise from a perusal of that correspondence without being convinced that the day is not far distant when this most devoutedly-to-be-wished-for consummation will be achieved—at all events, in our Australian colonies.

Well, my Lords, but perhaps you will ask me what it is that I desire this Commission to do. Now, I think I have shown you a state of disorder in our ecclesiastical system, as now constituted, calling so loudly for remedies, that, if a Commission were appointed, common sense would direct them at once to take into consideration the numerous specific demands that have been made for improvement, rejecting what to them appears objectionable, recommending what seems the most practicable, just as did the American Convention of our sister

Church, taking evidence, either written or oral, upon points of doubt and difficulty, and circulating queries when they desire further information. But as I have been so often asked the question what my own views are, I am perfectly willing, so far as I can, to answer it, though of course it can only be in general terms:—

The Commission would, I presume, be composed of Ecclesiastics, with the admixture of a few Laymen; at all events, of some civilians to assist in the review of our Canons and Constitutions. It would be animated, doubtless, by the spirit which is so well set forth in the letter of the American Episcopal Convention to the Anglican Bishops (1786), namely, "not to depart from any doctrine of our Church, but carefully to consider the alteration of such things as are calculated to remove objections, which it would appear to be more conducive to union and general content to obviate than to dispute."

As to the Canons, in regard to the validity and operation of which the greatest variety of opinion prevails—and which, if allowed to remain as they now are, it is possible may become the source of even more vexatious litigation than ever they have been previously — I presume those that are deemed obsolete will be expunged; whilst any that it is considered useful to retain, will be couched in comprehensible language, and placed in harmony with existing use. Although, in old phraseology, in their entirety, they are called the Book of Canons, yet there is in fact no Book. They are of two sorts—the old black-letter Canons framed before the Reformation, and sanctioned by Act of Parliament 25th Henry VIII., so far as they be not contrary to custom, statute, or Royal prerogative; the others, of 1603, which were never confirmed by Parliament, and which are supposed to be binding on the clergy alone, though doubts have been frequently expressed whether, in fact, they are binding on any one; and, in truth, they are almost universally disregarded. The historian of the early Puritans says of them—

"The disgrace of these barbarous Canons belongs to the Convocation in which they passed; but prejudice, fomented from time to time by some of her assailants, still lays it to the Church of England; and it must be allowed that some degree of censure fairly belongs to her for permitting the Canons to remain so long without revision, for the Canons in their present state are discreditable to the Church, unsuited to the age, and urgently wanting revision."

With regard to the Prayer Book, the changes most generally desired seem to be these:—First and foremost, and that without which other alterations would scarcely be considered a boon, stands the abolition of the Terms of Subscription enforced by the Act of the 14th of Charles II. They were not considered essential in the Church of Jewel and Hooker during the stormiest periods of our Church History. They are a disgrace to our Statute-book in the year 1860. Then, the abbreviation of the Morning Service and Daily Service, the objections to which may be summed up in the language of Archdeacon Berens:—

"Our Morning Services last too long, both in a moral and physical point of view—too long for keeping up a proper degree of attention and devoted feeling—too long physically, inasmuch as to the very old and very young, and to those who labour under a want of health, it often occasions a painful weariness."

On a former occasion I gave a detailed specification of the repetitions and anomalies contained in the Morning Service. I presume it is not necessary that I should repeat them now; I will, therefore, merely remark in passing, that the repetitions are generally considered even greater hindrances to devotion than the length.

Then, as an attempt at rigid uniformity is as useless as it is inexpedient, the officiating minister should be at liberty to make selections for Services within certain limits, when he considered them better adapted to the circumstances of his congregation than those prescribed.

Next, the remodelling of the Calendars and Rubrics: a want almost universally admitted: specially substituting the inspired Word of God for the Apocryphal Lessons.

I think it is also desired that the Psalms should be arranged for three Services, with optional selections, as in the American Book of Prayers.

As to the Athanasian Creed, it has been proposed either that the damnatory clauses should be expunged, or that the Rubric should be so far altered as not to make the reading of it compulsory; in fact, in most Churches it is very seldom read, and in some not at all. Both in this case—the saying of Daily Prayer and the Services for the Saints' Days—the Act of Uniformity and Terms of Subscription are perpetually violated; and it were much to be wished that the ordering of these should be so altered as not to make their use absolutely imperative.

The Occasional Services — for Burial, Visitation of the Sick, Baptism, Marriage,

Catechism, and Ordination — should also come under review, in order, as I mentioned in my previous Address to this House, to see whether certain expressions contained in them might not be so modified as to give a more unequivocal latitude to permitted difference of opinion than they do at present, and where unity is indispensable, more clearly to define our Church's teaching in matters which have within the last few years, and which are still, giving rise to the most lamentable and violent contests before our Courts of Law.

The Burial Service, as it now is required to be performed, has been declared to be a scandal by four thousand clergymen, of various shades of opinion.

It is in the knowlege of your Lordships that the Marriage Service is habitually mutilated.

Lastly, I see no reason why we should continue to pray in bad grammar, false concords, and obsolete terms; and it is, therefore much wished that more suitable terms should be substituted for them, especially such as would not easily be misunderstood by the poorer classes.

I have now brought this long statement to a close; all that remains for me is once again to point the attention of the House to the object of this Motion. It is that, after a lapse of two hundred years, the only means known to our Constitution should be resorted to, in order to inquire whether changes cannot be made which will render the Services of our Church more edifying than they now are to the public at large—our Canons more in accordance with the enlightened Christianity of our times. I have dwelt at considerable length upon the discords in our Church, for the purpose of demonstrating that they are greatly owing to this—that the work of revision was not undertaken and carried out a century ago. I have pointed out the formidable aspect presented to us by the vast and increasing extent of Nonconformity: no one whom I have now the honour to address can have forgotten the astonishment and alarm produced by the publication of the Religious Census two years ago. We are now upon the eve of another: will any one venture to predict what its results will disclose?

Unhappily, I must not forget to add, that there is a growing discontent amongst our people with the Rulers of the Church; many think that they are unwilling honestly to grapple with, and effectually to

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put down that spirit of Romanism within our pale, which has of late years, as I have shown, so largely infected it. So that even in this diocese, where we have the advantage of the comprehensive and liberal administration of our Right Reverend Diocesan, the formation of a Free Episcopal Church, with a revised Prayer Book, has been openly discussed.

Your Lordships will, I hope, have remarked that throughout the whole of this statement I have endeavoured to fortify my case with the opinions of men eminent in the Church to which we belong, and who, at various times, have commanded its respect and reverence. I am fully aware how much more powerful such language must be than any which I could possibly utter. Let me, then, pray your attention yet once again to some extracts I am about to read, and with them I will conclude.

The following is from a discourse of Professor Stanley, recently published:—

"Why is it that the number of gifted minds and loftier characters—those who from their knowledge, their power, their love of truth, are most fitted, and would most naturally be attracted to the study of theology, or to the ranks of the clergy of our Church—are in this sphere, so few, so very few within the last ten years, compared with what they were in former days?

"The fact as regards the present time, and this place (Oxford) is, I fear, undoubted."

Dr. Vaughan, in his "Memorials of Harrow Sundays," has much to the same effect. He says—

"I fear it cannot be denied that there is a great and extensive shaking of men's minds at this time as to the truth and authority of the Christian doctrine. We see it with great sorrow. It is indicated in many ways. To think only of our own class of society, it is intimated not obscurely by a great and growing indisposition, on the part of young men otherwise admirably qualified for it, to the profession of a clergyman. How many of those whose character, whose gifts, whose education, and we are sure, also (in some cases), whose inclination destined them for that useful and honourable service, are seen to turn away from it when the time comes! Anything rather than that; no obscurity, no drudgery, no want of attractiveness, and no want of direct usefulness, is enough to deter them from any other calling, so they may escape the necessity of declaring themselves to believe all the articles of the Christian faith, or to assent with all their hearts to the prescribed order of our Church's worship."

One additional quotation, taken from the Remonstrance of Dean Prideaux on the Rejection of the Revision of 1689," may fairly sum up the case which I have submitted to you:—

"Must we always be necessitated to pronounce all damned that do not believe every tittle of the

Athanasian Creed, which so few do understand; and, on the contrary, to declare every man saved at his burial, how wicked soever he lived all his life before? And must we always be bound to many other grievances and defects of this nature, which I could tell you of, and still deny ourselves all redress under the burden of them, by refusing all those improvements and alterations, which it is now in our power to effect, because some of our brethren are obstinately bent upon doing nothing for the satisfaction of those who dissent from us? In sum, it cannot be denied that there are many things in our Liturgy which may be amended and improved, many defects in our discipline and constitution which may be supplied, and abundance of other particulars in our Church which may receive a great advance for the better, enabling us to promote religion and piety, and to suppress sin and iniquity amongst us."

I have now only one more duty to discharge, and that is to offer your Lordships my heartfelt thanks for the patience with which you have been pleased to listen to me. I am fully conscious of my own insufficiency; I wish that consistently with my duty I could have curtailed the address; but you will see how vast the subject really is, and how impossible it was for me to do justice to it, and to the hundreds of thousands of clients out of this House, who are awaiting with deep anxiety the result of this night's debate, without, to the best of my ability bringing the whole case before you. And however inefficiently I may have performed my task, I shall sit down with at least so much of comfort that I have spared no pains which I could possibly devote to it, to master a question involving the most important interests and the highest destinies of our beloved country. The noble Lord concluded by moving to resolve—

That it is the Opinion of this House, that whereas the particular Forms of Divine Worship and the Rites and Ceremonies appointed to be used therein, being Things in their own Nature indifferent and alterable, and so acknowledged, it is but reasonable that upon weighty and important Considerations, according to the various Exigency of Times and Occasions, such Changes and Alterations should be made therein as to those that are in Place of Authority should from Time to Time seem either necessary or expedient:

And whereas the Book of Canons is fit to be reviewed and made more suitable to the State of the Church:

And whereas it is desirable, as far as may be, to remove all unnecessary Barriers to a Union of the People in the matter of Public Worship:

That a humble Address be presented to Her Majesty, praying Her Majesty to be pleased to appoint a Commission to prepare such Alterations and Amendments in the Canons and Book of Common Prayer as to them may appear desirable, and to consider of such other matters as in their Judgment may most conduce to the ends above mentioned.

THE ARCHBISHOP OF CANTERBURY: My Lords—It is always difficult to reply to a speech so long considered, and embracing so many topics as that which has just been delivered by the noble Lord; and the manner in which he has spoken of himself and of the object which he has in view makes it not only appear difficult but ungracious to oppose him; but I have no alternative, being convinced that the course which the noble Lord proposes to your Lordships, instead of promoting the welfare of the Church which he desires to benefit, would inflict upon it very serious injury. The long consideration which the noble Lord has given to the subject which he has brought forward, and the many suggestions which he has received from various quarters, have led him into a very wide and extensive field of discussion. I trust that he will not deem it any want of respect on my part, or think that his speech has received no reply, if I decline to answer him point by point, or to follow him through all the excursions of a somewhat desultory speech, but take up the subject on general grounds. Indeed, it was only towards the latter end of the noble Lord's speech that I became aware of the real object of his Motion, and to that portion alone of his speech will I address myself. It appears to me that the revision of the Liturgy may be considered under two principal heads, which are distinct and may be separately treated. There is, first, such a revision as should alter some of the Rubrics, correct obsolete words or phrases, retrench some of the prayers, and omit certain repetitions; chiefly with a view of shortening the services, in deference to a popular objection. Probably there are few persons who do not think our Liturgy capable of receiving some degree of improvement of this kind. The noble Lord on a former occasion introduced to our notice several opinions to this effect, and among them I found myself honoured by being cited as an authority. I do not retract my opinion, casually given. I still think there are some matters in which amendment might be made; though I confess when it has come to the point I have never found anything like unanimity as to the changes desired. What have appeared blemishes to some have been beauties in the eyes of others. But whether those changes are in themselves desirable or not is not the question—many things are desirable in themselves, which, nevertheless, it might not be desirable to

undertake. It is only common prudence to compare the advantage to be gained with the cost at which it is to be procured, and to be sure that if alterations be attempted they may not give rise to greater evils than they are intended to remove. So, my Lords, in regard to a revision of the Liturgy; suppose that you agree with the Resolutions of the noble Mover, and address Her Majesty? Suppose Her Majesty to accede to the Address, and a Royal Commission to be appointed; suppose a majority of the Commissioners to agree, recommending certain changes to be made. Those recommendations must be submitted to the Upper House of Convocation, to the Lower House of Convocation, to both Houses of Parliament, first to one and then the other, before they are ultimately laid before Her Majesty for her approval. Would it be worth while to subject the Liturgy to all the discussions, all the different opinions, all the controversies, not to say the dissensions, and not to anticipate the cavils which it must be expected to undergo in the course of its tedious progress through these mixed and various assemblies? Could the possible advantage overbalance the certain risk? Yet such is the process which former legislation has rendered necessary before a single iota of our Common Prayer could be authoritatively changed. I do not here include the Canons, which are under different provisions, and may be separately considered. These, doubtless, are the reasons which have influenced the great body of the clergy and induced them to deprecate the proposed revision. They are rather disposed to remain content with what they have than to risk a change—a change in that which, with all its supposed faults, is familiar to the public mind, and consecrated by the usage of three centuries. On these grounds I oppose that species of revision which is confined to certain retrenchments and omissions, and leaves untouched whatever has reference to doctrine. But the noble Lord has not stopped here; neither do those stop here with whom he is associated, and who look up to him as their advocate. These would think a verbal revision of little value unless it were also a doctrinal revision. Here again I will venture to be candid, not to say imprudent. I have no objection to say that if we were framing Services for the first time, services to which the whole body of the clergy had not declared their adhesion, I should be inclined to modify certain sentences and forms of expression which admit of different interpretations — which are, in fact, differently interpreted by the clergy themselves, and often become occasion of divisions. I should not be ashamed to borrow some hints from our brethren in America, if our circumstances were the same as theirs eighty years ago, and we had as they had then to begin the world anew. Our case is very different. Our clergy, the whole body of them, have given their assent to our Liturgy as it is, and as it has come down to them from our Reformers. They have interpreted it according to their view of its general tenour, they have based their teaching on that interpretation, and have adhered to the doctrine which they believe it to inculcate. Could there be a more manifest injustice than to impose upon them a Liturgy which should be framed in a different spirit, and adopt another tone of doctrine? Could they reasonably be expected to assent to changes which, if they effected anything, must neutralize their former teaching, and contradict the sentiments which they conscientiously maintain? This injustice was so strongly felt by a valued friend of mine —one of the ablest advocates of revision— that he proposed to place the alterations between brackets, and to leave an alternative to the clergyman to read whichever sentence he approved. I leave it for your Lordships to judge whether such a scheme would be calculated to produce harmony either among the clergy or their congregations. The very proposal proves the difficulties with which the subject is surrounded. After all, those questions of theology of which the noble Lord has spoken, and which he wishes to see more closely defined, are not questions which can be settled by a Liturgy. A Liturgy did not originate them, and a Liturgy cannot determine them. They are questions on which differences will exist in the Church as long as the Church itself exists —that is, to the end of time. It was not through the influence of a Liturgy that Cyprian laid the foundation of a system, which, however erroneous I believe it to be, extended for ten centuries throughout the whole of Christendom. Our Liturgy, as it exists, stands on this vantage ground, —all who administer it have solemnly declared assent to it. Could we expect the same assent to any change? Could we propose any change to which all parties will agree? Would any be inclined to approve a revision which did not favour

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their own opinions? I have thus briefly stated the principles on which, with the concurrence of my right rev. Brethren, I feel it my duty to resist the Motion of the noble Lord. We are not actuated by a bigoted attachment to things as they are, or by a pusillanimous apprehension of innovation, but we think that whatever objections may be advanced against our Liturgy as it is, there are greater objections to attempting its revision. We think that a verbal revision would not be worth its cost; we think that a doctrinal revision would throw the Church into confusion. Such an effect would be lamented by no man more than by the noble Lord himself, who, we are assured, has no other object at heart than to promote the welfare and increase the efficiency of the Church, of which he is an attached and conscientious member.

LORD LYTTELTON: I wish to say a few words on this question, because, though I cannot vote with my noble Friend, I should be sorry he should suppose that I differ altogether with him. Some years ago, on a Motion of my noble Friend (Lord Redesdale) about Convocation, I said, what I would now repeat, that I cannot hold, on this or any similar question, the doctrine of finality, simply and abstractedly. I conceive that any organized body, such as the Church of England, ought not to be deprived of the liberty that properly belongs to it, of adjusting from time to time its standards and formularies, being matters of human origin and composition. And as to the time, I think it is no great arrogance on behalf of the Churchmen of this day to believe that they are as well qualified to deal with such subjects as those of the times, whether troubled, apathetic, or corrupt, of the Reformation, the Hampton Court Conference, or the Savoy Conference. But as soon as we leave this general view, we are met by the two important points—first, the division of this particular subject into matters relating to theological doctrine and those not so relating; and next, the exact manner in which any changes should be carried into effect. Now, questions of doctrine are, of course, infinitely more important, and men look at them with very much more sensitiveness than the others. And I am ready to say that if my noble Friend had limited his view to the former class, and had distinctly provided, as he has not done in his Motion, though he has in his speeches, that any alterations should be submitted to Convocation as well as to Parliament, I should not have objected to it. I apprehend that, admitting that there were cases of exception in worse times, and such as should not be drawn into precedents, the ancient rule in all such matters, in the English, as in the primitive and ancient Church, was this, that the consent of the Bishops as a body, of the Clergy as a body, and of the Laity as a body, should be essential. This view has of late years received remarkable confirmation in the case of many of our Colonial Churches, which, after a very vain attempt on the part of some, both in this country and in the colonies, to keep them in a state in which they had all the disadvantages, and none of the advantages, of an Establishment, have attained freedom within certain limits, to regulate their own affairs; and in every case have done so on the principle I have mentioned. And I apprehend that in former times in this country it was considered that this principle was sufficiently maintained by the operation of Convocation and of Parliament. I am disposed to think that it would still be so, sufficiently for practical purposes to command the confidence of the Church, in matters not touching doctrine; for I cannot think that such a measure, if unobjectionable in itself, should be objected to on account of apprehensions of possible ulterior consequences against which we should have sufficient confidence in the protection of Providence and the strength of the Church, to trust that we should be able to guard. But when we come to questions of doctrine, the matter is very different. Convocation of late years has attained a certain power of action. But if it were proposed to confer upon it a real enacting power, I am confident that there are not ten of the clergy of England who would admit that as at present constituted it was a sufficient representative body of the clergy to which it was proper that questions of doctrine should be intrusted. So with regard to Parliament—at least, to the House of Commons. The inevitable progress of legislation has brought about such changes in the Constitution in this respect, that in the opinion of no one—not certainly in its own—can it be looked on as a representation of the laity of the English Church. For want, therefore, of a proper authority to deal with them, I should object to questions of doctrine being at present brought forward. No doubt it would be difficult to adapt to our actual

political system, and to provide for the working of a reformed representation of the Church in all its parts; but I believe it might be done, and that that is a previous question to be disposed of before the other one can be treated. But I must add, that even were all these points provided for, I should object to an inquiry such as my noble Friend now proposes, from the *animus* with which it has been done, which it is impossible to overlook in estimating the expediency and probable effects of such a proceeding. My noble Friend intends comprehension; but it is comprehension all in one direction. He professes to wish to retain the general *status quo* of the Church; what he aims at would destroy that *status quo*. There is a famous saying of Lord Chatham, that in our Church we have Calvinistic Articles, a Popish Liturgy, and an Arminian Clergy. So expressed, no doubt, this is a rhetorical sarcasm; but it points to an undoubted fact, that in the historical result of the constitution of the English Church there was a certain amount of compromise between extreme parties and views. I have been elsewhere taken to task for asserting this, and it has been denied that there was any such intentional compromise. I believe it might be shown that there was; but that is quite a distinct question. The important fact is that there stands the Prayer Book as it is. Some may think it the result of providential care, others may attribute it to unworthy human motives, others to accident. But these, though they may be interesting points of historical research, are not of present practical importance. The question is, what is the feeling in the matter of the members of the actual English Church? Now, I beg not to be understood as referring to my own opinion on any of these points, which is of no consequence; but I state it as an undeniable fact that the points referred to by my noble Friend and his supporters are viewed by very large numbers of Churchmen — not only extreme, but reasonable and moderate men—as of essential importance; and that therefore, assuming as we do that the general character of the Church is to be maintained, those alterations should not be made. The only answer that has ever been offered to this is, that those who hold such views will be still at liberty to do so, though all reference to them be expunged from the Liturgy. The obvious fallacy of such a reply has been pointed out; it can be tested in a moment by substituting some of the great doctrines on which all are agreed, such as the Trinity or the Atonement. No one would be satisfied, or deny that the character of the Church was lost in that respect, if all mention of such doctrines were omitted on the plea that men were still free to hold them. Agreeing, then, that were the other difficulties in the way removed, a Royal Commission of Inquiry, whatever might be its scope, would be in itself quite unexceptionable, for the reasons I have stated I must concur in the recommendation of the most rev. Primate.

THE BISHOP OF LONDON said, that it was an evil incident to discussions of this kind that they brought into agitation questions on which those who were bound by their position to take part in them were liable to be misunderstood and misrepresented. It was of the utmost importance that those who represented the Church in that House should be distinctly understood as to the grounds upon which they opposed the Motion of the noble Lord, but that Motion embraced a variety of subjects on which it was most difficult to avoid being misunderstood, either in advocating or opposing it. His right rev. Brethren were not of the number of those who were afraid of touching the old house, lest it should tumble about their ears. On the contrary, they believed that the Church of England stood upon the firmest foundations, and that it never stood more firmly or more securely than, by God's blessing, it did at the present moment; he was, therefore, sorry that the noble Lord should, in some degree, represent them as afraid to touch a single stone, lest the whole fabric should tumble down. He—and he believed that a majority of those who took an interest in the Church of England would agree with him—must protest against such a misrepresentation of their views. The noble Lord had spoken of a Resolution which he said had been proposed in the Upper House of Convocation, in which that body had expressed its determination to resist every alteration in the Prayer Book under any circumstances, and therefore he presumed every alteration in the Rubrics. He (the Bishop of London) was not aware that he had ever been a party to such a Resolution; still less was he so much aware of the secrets of the Lower House as to know what the Noble Lord had stated that when such a Resolution was proposed to them it fell to the ground for want of a supporter. His belief

was, that the only thing to which the Bishops agreed to on that occasion was the same as that as to which they were now agreed—namely, that they would resist the Motion of the noble Lord. What was the practical grievance of which the noble Lord complained, and what was the practical good which he sought to effect? The noble Lord had complained that the Rubrics gave rise to dissensions. He did not believe that those dissensions arose from the Rubrics, but that they were in part the result of that variety of opinion as to doctrine which the noble Lord had said that he did not desire to touch, and in part the consequence of an excess of zeal in persons who were much excited by religious questions. A clergyman might set a parish in a blaze without touching the question of the Rubrics. It would be possible for a man of strong opinions to manifest them without infringing the letter of the law, let them make the law as stringent as they please; and he believed that any attempt to put an end to such dissensions as had been referred to by means of the revision of the Prayer Book would be utterly futile. There was a way of putting an end to these dissensions; but it was one about which it did not become him to say much. Let them arm with proper authority those to whom authority belonged, and many of these dissensions would disappear. Again, the noble Lord had referred to the question of the Burial Service, which he said was a great cause of dissatisfaction. Now there seemed to be much misunderstanding in respect of the Burial Service, and it might be as well for him (the Bishop of London) to state the view which he entertained upon that subject. He held that no clergyman could be prosecuted for omitting to read, or for slightly altering the Burial Service, unless the Bishop of the diocese was a party to the prosecution. If, therefore, a clergyman, who had any doubt as to the course which he ought to pursue, wrote to the Bishop before he took any motion in the matter, the Bishop would inform him whether he was determined to stand by him and prevent his being exposed to any prosecution, or whether, in his opinion, it was right that the Burial Service should be read; and no prosecution could be instituted against the clergyman if he thus acted on the advice of the Bishop. The noble Lord surely could not desire that every freshly ordained curate should in every instance be the judge as to whether or not it was right that the Burial Service should be read over the bodies of those who had been brought into the churchyard. It must be a very serious case, indeed, which justified a departure from the use of the ordinary service, and he undertook to say that even now, and still more when the matter was thoroughly ventilated, those serious cases could be perfectly well dealt with by the power of the Ordinary without any alteration of the Burial Service. Then with regard to shortening the services, he did not know that all the world agreed with the noble Lord. There were occasions when they all felt the services to be very long; but had they considered sufficiently what power already existed for abbreviating them? He might illustrate this by what lately took place in respect to the Consecration Service. It had been supposed that it was a matter of necessity to have the whole Morning Service immediately preceding the Consecration Service; and then, with a great number of communicants, the Services were so lengthened out as to weary many. That occurred on the consecration of the present Bishop of Calcutta, when the Service in Westminster Abbey lasted, he believed, from eleven to four. But it was suggested to the most rev. Prelate that it was not necessary to have the whole of the Services together; and accordingly, on the next occasion of a Consecration at Westminster Abbey they were divided—the Morning Service took place at eight o'clock and the Consecration at eleven o'clock—and the inconvenience was removed. That only exemplified the degree of liberty which belonged to them under the present law, when they came to examine into it. The noble Lord had spoken rather harshly of the 10,000 clergymen who did not like his proposal, and would not pledge themselves as a whole to the changes he had suggested in the Rubrics, the canons, and the Prayer Book. The noble Lord had spoken much of these clergy; but he had observed an unexpected silence as to the opinions of certain other persons to whom he had directly appealed. Unless he had been misinformed the noble Lord had written a circular to the churchwardens, requesting that he might know whether the Service was not found a great deal too long; and it would certainly be interesting—he was very curious to know what answer he received—what the views of those persons were upon this matter. There was no proof of any real or strong

feeling on the part of the middle-class laity in favour of the abridgment of the Service. His own experience was that such was the inherent conservatism of that body that, if a clergyman ventured to make the changes which even the existing law or his Bishop sanctioned, he would be in great danger of giving offence. Certainly he did not believe the laity were earnestly desirous of the alterations which the noble Lord wished to introduce, even in respect to the Morning Service, except in the way now allowed by law. He confessed he had been a little staggered at first by the phrase in the noble Lord's Resolution, "the Book of Canons." It appeared, however, that the noble Lord had taken the words from the Commission issued by William III.; it was difficult to say to what the phrase referred, unless to the Canons of 1603. Now, as a general rule, those Canons had never been regarded as binding the laity; although some of them certainly bound the clergy in matters ecclesiastical. They had never been sanctioned by Parliament, but rested on the authority of Convocation and the Sovereign. Convocation had lately taken the step of petitioning Her Majesty in favour of the alteration of one of those Canons; and if the answer of Her Majesty was in the affirmative, the alteration might be effected. What, then, would be the use of throwing open the whole questions of the Rubrics, the Canons, and the Prayer Book, when the rival Parliament over the way was already perfectly competent to do what was requisite, in the matter, provided only they had the assent of the Sovereign? With regard to the Athanasian Creed, one suggestion that had been made was that, if the words "shall be read" were changed to "may be read," all the difficulty it occasioned to tender consciences would disappear. Others again had proposed—and among them an eminent theologian, a late Regius Professor of Divinity at Oxford—that this creed should be placed among the Thirty-nine Articles, and not used as part of the regular Services. He could not, however, think that it was desirable to accept the noble Lord's Motion in order to obtain this change. The question now raised on this point was, as their Lordships were aware, by no means new. He could say from his own experience that the difficulties involved in it had been before the minds of the clergy for the last twenty-five years, and now gave no trouble to their consciences. It was not felt that there was anything dishonest or inconsistent with the most perfect fair dealing in its being understood by every one that there were various senses in which various minds took the different propositions which occurred in parts of that Creed. It was not pretended before the world that they were all perfectly agreed upon questions which went beyond the limited sphere of man's intellect; but they were agreed to use certain old and venerable forms, amongst which was this creed; which forms they were loth to touch, because they thought to tamper with them might be to destroy that harmony which, in spite of all the noble Lord had said, they at present enjoyed. Perhaps the men of very tender consciences were really deserving of more attention than many of the noble Lord's other correspondents; it was impossible, for example, to see an old, respected, and most useful member of our Church retiring from it in consequence of the difficulties which pressed on his conscience without feeling sympathy for him and others in the same circumstances. But the noble Lord had only mentioned that part of the case incidentally, in connection with the subject of subscription; whereas, in his estimation, it was the strongest part of his case. All kindly regard ought to be paid in the matter of subscription to these scrupulous consciences. It was, however, quite another thing, on account of scruples which pressed upon a few, to open up the whole of the most difficult and delicate questions on which the noble Lord wished them to embark. It was greatly to be regretted if young men of promise were excluded, as was alleged, from the Ministry, by reason of their scruples on these points. But, on the other hand, it must be remembered that men of very scrupulous consciences, if they did not find a difficulty in one thing, would be almost sure to find it in another. He might illustrate this matter by an incident connected with a debate which occurred in that House some twenty years ago on the kindred question how subscriptions should be arranged so as not to do violence to tender consciences. A petition was drawn up to their Lordships' House on the subject, and an intimate and dear friend of his was requested to sign it. On reading the petition, however, the whole force of which, be it remarked, was directed to the impropriety of not accommodating subscriptions to the feelings of the most tender consciences, he said there was some-

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thing in it to which he could not agree. The answer he received was:—"We must have a general form of petition, and you must really sign it, and, in fact, get over your scruples the best way you can." That showed how difficult it was to draw up any form of words whatever, which would command the assent of every mind. A certain degree of liberty in interpreting subscription must be allowed if men were to agree in such cases. He believed the noble Lord's intentions were excellent. It was only fair, as the noble Lord occupied a somewhat invidious position, and was exposed to some obloquy, that he should bear testimony to the continual assistance he had derived from him in every good work since he had had his diocese committed to his charge. But in the present proposal he could not see the least hope of attaining the objects the noble Lord had in view. They were asked so to shape their Services that there should be nothing in them to grate upon one man's feelings; and yet, if they omitted anything of importance, that very omission would grate upon the feelings of some. It had been well said to him lately by a most rev. Prelate, now unfortunately absent, but who took a prominent part in the former discussion of this subject twenty years ago, that "they could not have any excision without leaving some scar." So it would be impossible to strike parts out of the Prayer Book without continually bringing to the minds of those who used it that there was something gone on which they would fondly dwell. He considered it almost a providential circumstance that the Church of England at this moment, to an extent found, he believed, in no other Church, united men of the greatest variety of sentiment, who yet felt that they could act together in the cause of their one Master. The noble Lord had spoken of secessions from the Church caused by the introduction of our present formularies and the subscriptions to them. He hoped to win seceders back by his Motion. But when men had once seceded, and still more when their dissent had become hereditary, it was very difficult to win them back. With the highest respect for those who dissented from the Church of England—giving them full credit for the sincerity of their motives and their perfect conscientiousness, he believed that whatever might have been the reasons for their original secession, it would be very difficult to remove dissent by the alterations which had been suggested by the noble Lord. Believing that it was most desirable that the Prayer Book should express the universal sentiments of all, and that on the whole, as it now stood, it did so better than any other existing form of words; believing it to be most desirable to bring Dissenters back within her pale, but also believing that there would be more danger in making alterations with that view of alienating those who remain than hope of bringing back those who had left our communion; and believing that unfortunate quarrels, to which the noble Lord had alluded, would soon pass away—at all events, that they would not be healed by the proposition of the noble Lord, but would require a totally different mode of treatment from what he had recommended, he felt compelled to refuse his assent to this Motion.

Earl STANHOPE said, he felt himself called upon to make a few observations on this subject in consequence of the part he took two years ago, when he moved an Address to the Crown for the removal of certain State Services from the Prayer Book. That Motion, he maintained, formed no ground or precedent for the proposition of the noble Lord. He asserted then, and he asserted now, that the success of that Motion deprived the noble Lord of one of his strongest arguments. What he (Earl Stanhope) proposed to omit formed no essential part of the Prayer Book; it was no part of its original constitution; it grew out of political occurrences, embittered by party spirit. The noble Lord, on the other hand, proposed that they should deal with the entire Prayer Book, casting it at once on the vast sea of experiment, and taking the chance of what the tide might give them in return. The two Motions, then, were entirely dissimilar. The House was left wholly in doubt as to the extent to which alteration would be carried, the objects the noble Lord had in view not having been clearly and distinctly stated. Then, again, they did not know by whom the Inquiry was to be conducted. He could not, therefore, assent to an inquiry so wide and indefinite. There was one consideration of great importance in a question of this kind, that if they contemplated any change in the Formularies or Rubrics of the Church, they should have the assent and concurrence of the great majority of the Ministers of the Church itself. He held that any change in the sacred volume, or in any of the Rubrics

of the Church, even though recommended apparently by reason and argument, would be most injurious if forced on by a minority and imposed on the larger numbers who were unwilling to receive it. For himself, he must say he did not proceed with his Motion till he found that a very large majority of the right rev. Bench, and, so far as he could ascertain, a great majority of the clergy, were disposed to concur with him. In the present instance, not one single Member of that right rev. Bench seemed willing to support the Motion of the noble Lord, while it appeared from the documents read that at least 10,000 of the clergy disapproved it. He could not help thinking that the dangers of any change in the Prayer Book, in such a state of opinion as he had just described, were greater than any advantage that could be expected to be derived from revision. He thought it would be found on examination that any difficulties which had arisen originated, not so much in the regular Services, but rather in the Services or the prayers which were appointed to be used occasionally; and he thought it might be desirable, not to remove or alter a single prayer, but to consider whether some parts of the Rubric, which directed the order, distribution, and arrangement of the Services, might not, with the concurrence of the heads, clergy, and friends of the Church, be altered. These were points to deal with which the authority of the right rev. Prelates might perhaps suffice, without any appeal to that or the other House of Parliament, and on which he hoped they might be able to make some recommendation, which no doubt would be received with general assent. The only course then which he should deem desirable would be a consideration of the subject by the right rev. Bench. There might be an Address of that House to the Crown praying Her Majesty to refer to the consideration of the Bishops, not the prayers or the Services themselves, but only the Rubric or directions for their use on certain occasions, and as to whether these directions should, as now, be obligatory or only in some cases permissive. If such an Address, when moved, had the assent of the Bishops, and if the inquiry when granted were conducted by the Bishops themselves it would certainly be free from any danger, and might be productive of great advantage. But on the other hand, the proposal which the noble Lord now made was, he felt assured, one which was not calculated to receive the assent of their Lordships' House. The arguments against its adoption had been urged with great force by the right rev. Prelate who had just spoken; and, believing that it would tend to unsettle the existing state of things, without effecting any adequate countervailing improvement, he should, while he entertained for the noble Lord great personal respect, and thoroughly appreciated the motives by which he was actuated, offer to the Motion every opposition in his power.

Earl GRANVILLE said, he felt some delicacy in addressing the House upon this subject, but he would observe that, although their Lordships appeared to be almost all opposed to the proposition of the noble Lord, he had not heard a single extreme opinion expressed. But as the noble Lord might consider it somewhat disrespectful towards him if the Members of the Government remained silent, he was reluctantly compelled to declare that they could not support the proposition of the noble Lord. He was of opinion that if that proposition were carried, it would create a considerable amount of evil without any chance of good arising from it. He therefore ventured to appeal to the noble Lord whether it would not be more desirable, having stated so fully and so candidly his views on the matter, that he should withdraw his Motion rather than press it to a division.

The Bishop of OXFORD said, if he were not fully convinced that the noble Lord, in submitting his proposition to the notice of the House, had no other object in view than to promote the welfare of the Church, of which he was a worthy member, he should not at that period of the debate have troubled their Lordships with a single remark; but, knowing and believing that the noble Lord was actuated by the purest and most benevolent sentiments, he appealed to him on behalf of the peace of the Church, which he protested he was sincerely anxious to maintain, not to abstain from dividing the House, for he trusted the noble Lord would do so; because he trusted, that if their Lordships divided upon the Motion, they would express their opinion in a manner so unmistakeable, that the noble Lord would be induced to abstain from endangering the peace of the Church, by over and over again stirring a question, the mere discussion of which was by no means so harmless a proceeding as he might perhaps imagine. The more he stirred up a ques-

tion of this kind, the more he would find the danger and difficulty arising from so doing. Although his noble Friend had spoken at considerable length, although he travelled a great deal through what he called the dreary history of the Church; dreary he (the Bishop of Oxford) admitted it was; but not from the dreariness of the subject itself—although travelling over such a dreary waste, his noble Friend left an impression of absolute uncertainty as to whether he meant to touch the doctrinal *status* of the Church, or only intended to curtail certain prayers, which he thought, perhaps, too long either for himself or his family, and which he therefore sought to abbreviate for the benefit of the whole community. Now, he thought that it was of the greatest moment that any person who proposed to deal with a question of this gravity, should state distinctly what he really meant by such an inquiry as was moved, and whether it was really his intention to alter the doctrinal *status* of the Church, or to leave that *status* wholly untouched. The uncertainty upon that point ran through the whole speech of his noble Friend. His noble Friend had described the Church of England as having had no vitality, and as having obtained greater freedom of action from the repeal of the Test and Corporation Acts. He (the Bishop of Oxford) rejoiced at the repeal of those Acts; but he did not quite concur with the noble Lord as to the effects produced upon the Church by that measure. There was, however, a remarkable uncertainty as to his real intentions throughout the noble Lord's speech. In order, then, to ascertain what his noble Friend's real intentions were, they were left to judge of them by a reference to opinions of those who had put him forward. They might often obtain a better notion of a Motion by looking at the tail that directed, than at the head which declared. They would be enabled to judge of the noble Lord's real meaning, by observing the petitions that he had presented. Now there was hardly a distinctive doctrine which marked the Church of England as a doctrinal body, separated from those around her, at which his noble Friend himself had not glanced, and which the petitioners did not embody in their petitions. That was a matter he hoped his noble Friend would well consider before he again brought forward this question. His noble Friend desired to see such alterations made in the Liturgy as would have the effect of bringing the body of Dissenters within the pale of the Established Church. Now, the noble Lord could not be a whit more anxious or more earnestly desirous of bringing them back into the community of the Church than he himself was. He believed that such an event would be one of the proudest days of England's glory and welfare. But he believed that nothing would tend more to prevent so blessed a consummation as the existence of any wretched differences amongst themselves (the members of the Church) on those momentous subjects. But while he was of that opinion, he was far from saying that all the blame of separation rested with the Separatists. He believed, on the contrary, much of the blame rested with themselves. He was far from saying that all the piety remained with the members of the Church. He believed that a vast amount of piety and sincerity existed amongst the Dissenters. But the more earnestly he desired the return of their Dissenting brethren to the arms of the Church of England, the more deeply did he feel how essential it was that the Church should maintain her own Apostolic faith untarnished. Instead of believing that that object would be promoted by such an inquiry as the noble Lord proposed, he was convinced that the alteration of one jot or one tittle of our Services would have the opposite effect; that it would tend to the lowering of the truth of the Church, which truth had been handed down to us from the primitive Church to be preserved with the most precious care. Such changes, then, in his opinion, would inflict the most deadly injury upon their Dissenting brethren as well as upon the Church itself. It was, in his opinion, by virtue of the particular tenets and the common Christianity which those who had separated from the Church professed, that they maintained that religious vitality they professed, and which would be imperilled by any trifling with them. It was said by a great man in the sister country, after a long discussion—he meant the late Dr. Challoner:—

> "I believe that the connection, through the Establishment, of the Scotch Establishment with your great Church of England has been the means, with God's blessing, of keeping us from the most serious errors."

That was the emanation of a philosophical and a great mind. It was easy to see the way through which error entered. The first thing to observe was an indifference as to whether the whole truth was held

or not. The next was the putting away of the truth. Once that was done the downward progress was commenced; and, looking at the Protestant communities throughout the Continent at that moment, they could see how quickly and how surely the declension ensued. While he believed that his noble Friend only desired to maintain the truth among them, he could not help thinking that he failed to appreciate the greatness or gravity of the subject. His noble Friend did not treat the subject with that solemnity with which it ought to be observed. He seemed to look upon it as an indifferent matter to change a word or alter a form of phraseology, and that it did not touch the vitality of doctrine. But their Lordships should remember that it was the addition of a single word to the creed of Christendom that divided the East and the West—that that little word "*filioque*" crept in, supposed to express the feelings of all, and which, nevertheless, introduced into the Church of Christ that rent and mighty chasm that not even centuries had sufficed to close or bridge over. In these matters of national religious belief, involving all the intricacies of dogma and doctrine—all the peculiarities of theological disputation—all the sacredness of those ecclesiastical considerations and religious feelings so dear to the Christian community, it was a most perilious thing for any man, even from the best of motives, to stretch forth any uncommanded, any unauthorized hand, to alter the sacred *inscripta* in the tabernacle of God. He entreated the noble Lord to consider before he dealt with the subject, to consider it deliberately in its various bearings; for, depend upon it, if he attempted to alter the creeds of our ancient Church of England, to omit or prune a prayer, or alter any of the forms of phraseology, it would lead to unavoidable difficulties. It was the pure and simple devotion of those prayers, incorporating the great and vital truths of Scripture, that for the most part sank the deepest into the minds and habits of the people; and it was not so much by the declarations contained in creeds as by the repetition of these devotional phrases that rendered the services so impressive and beneficial. The alteration of a few words here to meet a difficulty, and a few words there to meet an objection might, without any intention or even any observance, have a tendency to strike at the root of the very belief of the great mass of the people of England. When he regarded calmly that which the noble Lord was wishing them to do he felt that the subject required much greater and graver handling than as yet it had received. They must not forget that they were dealing with the Prayer Book. In the greater part of that Book we had the worship of the primitive Church recorded for our example and our guidance. We had those good and great gifts of God combined in it. We had the primitive element handed down to us from the first ages of Christianity; and furthermore, through the medium of that same singular goodness, it was the work of men whom he had prepared, by the most marvellous training and divine indoctrination, for sweeping off the corrupt accretions that during the Middle Ages had crept round that primitive worship. We had their words stamped on the pages of its primitive truth, and we had the results of these habits of mind displayed and handed down in the primitive Christianity of the old Catholic Church, and in the luminous works and labours of those mighty giants whom God raised up to promote his purpose, and who swept away the corruptions of mediæval Christianity. Having such men to form the prayers and principles of that Book, it would in his judgment be a highly rash and unadvised thing, without the gravest considerations, to lay their hands on it to alter it. It had been said in the course of the debate that the Prayer Book was a compromise, or to some extent a compromise. He should be sorry it should go forth to their Lordships in that bald and unsatisfactory way. In the sense of a compromise being an ambiguous statement of the truth, framed so that two parties can subscribe or use it, the one meaning one thing and the other another,—in that sense he ventured to declare, on behalf of the Reformers of the Church of England, that the Prayer Book of the Church of England was not, and that it never was intended to be, a compromise. He was no great lover of compromise himself of anything—least of all of truth, and least of all of Divine truth—because Divine truth was so one and indivisible that if once they began to add or to subtract from it they made the one indivisible truth of God man's lie by virtually mangling God's truth. Therefore he could not allow the Church of England Prayer Book to be in any sense a compromise. But he believed what was meant was not compromise but comprehension, and the ideas were essentially distinct. The truth of God's reve-

The Bishop of Oxford

lation to man conveyed to us separate propositions, each equally true, and neither contradicting the other; and yet in many cases they were virtually so vast that human intellect could not say how they were to be distinctly reconciled. Take the master truth of all, that God was the Sovereign of the universe, and that he created man as a free agent, and as a responsible creature. These were two great cardinal truths, rising like two great mountain peaks out of the same common basement, both equally bold and incontestibly true, rising equally to Heaven, and sustained by the same eternity of truth. Fallible man stood between the two; and, looking at them separately, the one altogether filled the eye and there appeared to be an insuperable disagreement and discord, and hostility between the two, which they could not reconcile, and then came some loftier and mightier spirit—some far-seeing philosopher—who endeavoured to unite the two, which was just as vain and futile; as if by man's feeble mechanism the two great peaks were sought to be brought together in the same mighty mountain chain. The truth of God came in and combined them both; the roots and bases of both struck down deep into the bosom of the infinite and eternal wisdom, and there they found their harmony and reconcilement. Man was to receive both, and each in its completeness, each as that which God had revealed. He followed God's word, as it was developed in its goodness and its fulness, and the love of God as it was apparent in its wisdom, and he must leave it to God to reconcile all that appeared to him to differ. The essence of our national Prayer Book was such that it must not be dealt with or viewed one-sidedly, but such each of those who took the one view or the other view on these great matters could, with a clear conscience, unite in it alike. This was to be done by stating these truths in their integrity and completeness, and not by attempting the puny reason of man in their reconciliation. This was what they had in the Common Prayer Book from the primitive Church, expressive as it was of true Christian aspirations and belief—without pandering, on the one side or the other, to the feelings of the misguided or of the fanatic, who would try to pull down one mountain peak and substitute another of their own, and combining within itself the multifarious truths of God, and so providing for the multifarious wants of human kind. To ask their Lordships to join in an Address—why they knew not, by what machinery they knew not—to effect alterations not clearly specified, but which might perchance diminish the value and advantage of the great inheritance they had received this way was, he thought, a proposition that the House would shrink from. His noble Friend could not entertain the slightest expectation that he would carry such a proposition, when he knew that so many thousands of the clergy, the whole bench of Bishops, and their Lordships' House deprecated any such attempt. He beseeched him, when he knew how easily doubts and difficulties were raised, and how hard it was to overcome and to allay them, that on these sacred grounds he would not enter on so rash an innovation. He had told them at the beginning of his speech that he was justified in bringing forward the proposition because this was not a time of peace; and at the close of it he told them that he was justified in proposing to alter the terms of subscription because they were not now living in the stormy days of the Church. He had no doubt the noble Lord was able to reconcile the two reasons; but the only reason he had for saying that we were not in a time of peace was, that there were a few petty difficulties referred to the decision of the Courts of the land. It appeared to him (the Bishop of Oxford) that this was a proof that the time was one of quietness not of revolution, for the surest mark of quietness was when differences were taken for settlement before the appointed tribunals and men abided by their decision. It resembled an alarm of fire when there was only smoke. The length of the Services had been complained of; but that was merely a bugbear. The fact was that the Morning Prayer performed on Sundays in our churches took forty minutes, and the sermon thirty more, so that what was described as an enormous long service occupied about one hour and a half. In his own diocese, where, acting under the new licences, the parishioners had been asked if they would have the services shortened, the determination was in the negative; and in two or three cases, where the service had been shortened, they wished it altered again, and said they had been accustomed to hear the Litany and the service seemed strange without it. If it was argued that the people were dissatisfied or unsettled on the subject. So it always would be amongst thousands of

people, and there was always sure to be some little grasshopper grinding its monotonous note on the green bough, while the flocks and all else below were at peace in the green pastures. Allusion had been made to the clergy and the Burial Service. He did not think it was their wish that that service should be altered; but they complained of lack of discipline in the Church on the subject, and the abuse of the coroner's system, as subjecting them to that which was a grievance to their conscience, and for that for which they were not responsible. He would suggest for the consideration of the noble Lord, how a burial service could be constructed for Christians which they could read with propriety over one who had no hope of resurrection. Was the service to be so altered as to express no hope that the man they were burying had entered into the rest of Christ? That difficulty must either arise, or they must lower down the note of the Church in her Burial Service, until it might be rendered suitable to one dying in open rebellion to the law of God. He believed, however, that the difficulty was greatly exaggerated, and he believed that a due regard to the law, as it at present stood, by compelling the coroner's juries to find a proper verdict in case of suicide would remove the real difficulty of the case. For himself, he felt no difficulty whatever; the law had imposed upon the coroner's jury the duty upon oath of hearing the evidence and declare whether the unhappy man was or was not sane at the time he committed the fatal act, and when they had given their verdict, he would not scruple to assume that the verdict settled the question, and would give him charitably the benefit of it. He did not believe that a clergyman ought to feel any doubt in the matter; he was not made a judge of the facts, which were to be investigated by the jury. The noble Lord, in speaking of the question whether the clergy ought to subscribe their belief, introduced it inadvertently and as a matter that was quite "by the by." He knew his noble Friend would pardon him for speaking with plain earnestness respecting his Motion. He was quite sure he meant good to the Church of England, and that his efforts were directed to the good of souls; but if he would only realize the ultimate consequences of the course on which he had entered, and if he saw that their Lordships had determined not to give their sanction to his proposal, he thought his noble Friend would do well, and would best consult the peace of that Church which he loved, by abstaining from renewing this Motion in any future year.

The Bishop of CASHEL, on the part of the clergy of the Established Church in Ireland, expressed his concurrence in the arguments which had been urged in opposition to the Motion. He saw one grave objection to the issuing of any such Commission, which was, that after all the inquiries had been concluded, and recommendations based on these had been put forward, there was no competent authority by whom they could be carried out. There was no such thing as a Convocation representing the United Church of England and Ireland, and changes introduced by any minor authority would not be binding.

Lord LYTTELTON explained, that in using the word "compromise," he had not intended that there should be any compromise of truth.

Lord EBURY, in reply, said, he must confess that he had not received much encouragement from the House, but he had been induced to make the Motion principally from the speeches and writings of Bishops and high Dignitaries, and if his opinions were erroneous, he had the satisfaction of knowing that they were those of many of the most distinguished ornaments of our Church. He had done his best to bring the whole question before their Lordships, and nothing he had heard during the discussion had altered the opinions which he entertained.

On Question, *Resolved* in the *Negative*.

House adjourned at a quarter past Nine o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 8, 1860.

Minutes] Public Bills.—1° Registration of Births, &c. (Ireland); Locomotive.
3° Paper Duty Repeal.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.

QUESTION.

Mr. EDWIN JAMES said, he wished to ask the hon. Member for Bath (Mr. Tite), Whether it is his intention to proceed this evening with the Second Reading of this Bill?

MR. TITE, in reply, said, he begged to say that he intended to postpone it for a week, and then, if it were read a second time, he should propose to refer it to a Select Committee. The measure was somewhat urgent, inasmuch as it referred to a debt of £200,000 which had been cast upon the Board of Works by the Commissioners of Sewers.

THE HOUSES OF PARLIAMENT.

QUESTION.

SIR FITZROY KELLY said, he rose to ask the Chief Commissioner of Works, Whether he has received the Report of Sir Roderick Murchison and Professor Faraday on the processes for preserving the external Stonework of the Houses of Parliament, and whether he has any objection to lay the same before the House, together with Copies of the Instructions or Minutes of Reference to those gentlemen, and any Correspondence not already before the House, which has passed between the Board of Works and the respective patentees, the Referees, or Sir Charles Barry?

MR. COWPER said, he had received the Report of Professor Faraday and Sir Roderick Murchison upon the plans for preserving the external stonework of the Houses of Parliament, but he did not feel at liberty to lay those opinions before the House, they having been given for his guidance, and not being intended to receive publicity. He should, of course, hold himself responsible for any action he might take in consequence of those Reports. He would have no objection to lay upon the table the correspondence that had taken place with the patentees and referees.

SIR FITZROY KELLY said, he wished to know, Whether the right hon. Gentleman will include in the Papers any instructions or letter of reference to Professor Faraday and Sir Roderick Murchison, in order that the House may know exactly what is the case that has been submitted to those gentlemen?

MR. COWPER said, he had no objection to comply with the desire of the hon. and learned Member.

DISTURBANCES AT TARANAKI.

QUESTION.

LORD ALFRED CHURCHILL said, he would beg to ask the Under Secretary of State for the Colonies, Whether any authentic intelligence has been received with respect to the disturbances reported to have occurred between certain Native tribes in the province of Taranaki, in New Zealand, through a disputed land claim connected with the movement in favour of a Native King, and in consequence of which Captain Murray, commanding a detachment of the 65th Regiment, had proclaimed Martial Law, and that Her Majesty's Ship *Niger* had left Auckland for the scene of action with considerable reinforcements; and whether there is reason to believe that these disturbances would not spread beyond the province?

MR. CHICHESTER FORTESCUE replied that no disturbances had taken place in the province of Taranaki in the sense of any armed insurrection by the natives, nor had there been any disputed land claim connected with a movement in favour of a Native King. What had taken place was, that a piece of land had been bought by the Government from the native owner, a Chief who was willing and desirous to sell it, and the authorities were proceeding to survey it, when they were interrupted by another chief, who, however, did not pretend to have any claim to the land. The question was one of great importance, both to the natives and European inhabitants of New Zealand, inasmuch as it concerned the maintenance of the original treaty with the native chiefs. The Governor proceeded himself in the *Niger* to New Plymouth with a strong detachment of troops. He (Mr. C. Fortescue) had that day received a letter, from which it appeared that the Governor was meeting the difficulty with great prudence and firmness, and there was reason to hope that no collision would take place with the natives; but if unfortunately there should be a disturbance, it would not, it was believed, extend to the province of Auckland.

INCOME TAX UPON INDIAN SECURITIES.—QUESTION.

LORD ROBERT CECIL said, he wished to ask the Secretary of State for India, Whether it is intended to subject any Indian securities held by residents in England to Income Tax in India as well as in England?

SIR CHARLES WOOD replied, that he could not answer the question till he saw the Bill as prepared in India.

REMOVAL OF BRIGADIER INNES.
QUESTION.

MR. TORRENS said, he would beg to ask the Secretary of State for India, What were the grounds for the removal of Brigadier Innes from his command as Brigadier at Ferozepore, in May, 1857, after the perfect approbation of the Commander-in-Chief had been conveyed, in the Adjutant General's Letter of the 19th of the same month, to that Officer, for the judgment, vigour, and decision with which he had acted at the commencement of the Mutiny in Bengal?

SIR CHARLES WOOD said, he was not quite sure that that was a proper question to be put in the House of Commons; but his answer was that the Indian Government had thought it right, for the interest of the Queen's service, that that Officer should be removed.

THE GRAVES IN THE CRIMEA.
QUESTION.

LORD BURGHLEY said, he rose to ask the Secretary of State for Foreign Affairs, Whether, in consequence of the remonstrance of Her Majesty's Government, any promise or security has been given by the Russian Government that the graves of the officers and men of the British Army, who are interred in the Crimea, shall be protected and held sacred in future?

LORD JOHN RUSSELL replied, that three despatches had been written, bearing date respectively the 31st January, the 4th February, and the 24th May, remonstrating with the Russian Government on the desecration of the graves at Sebastopol and its neighbourhood. The Russian Government, in reply, promised that a full inquiry should be made; and they said they had every desire to preserve the graves in a decent manner. They also said that there was some difficulty in doing so, on account of the graves being scattered; and he (Lord John Russell) had been told that the land on which they were belonged to divers persons who were not amenable to the Russian Government. Her Majesty's Ministers had directed the Consul General at Odessa to place a person in charge of the British cemeteries, at a salary of £100 a year, in order to take care of them.

REGISTRATION OF BIRTHS, &c., (IRELAND) BILL.
LEAVE. FIRST READING.

LORD NAAS said, he rose to move for leave to bring in a Bill to provide for the uniform registration of births, deaths, and marriages in Ireland. The good effects of the kindred system of registration which had been established in England since 1836, were now fully appreciated, and he would remind them that the noble Lord who introduced the Bill in that year (Lord John Russell), was asked whether it was intended to extend its provisions to Ireland. The noble Lord said he was aware of the great importance of the inquiry, but he would rather wait and see the effect of the English Bill before he proposed to extend its provisions to Ireland. A quarter of a century had elapsed since that time, and therefore he (Lord Naas, hoped he might bespeak the favourable consideration of the noble Lord for the present measure. In Ireland the want of a system of registration of births, deaths, and marriages had been daily felt. For sanitary and medical purposes it had become almost indespensable; and was of no less importance for the elucidation of questions relating to the descent of property. The opinions of Mr. Armstrong, as cited in the Registrar General's third annual Report, of Mr. Howell, the inspector of factories, and finally, of Dr. Farr, who had considered this subject probably more than any man in England, were unanimous as to the inconveniences experienced in all these respects from the absence of such a system in Ireland. As, too, we were on the eve of taking the decennial census, it became important that not a moment should be lost in entertaining this question. At the International Statistical Congress held at Paris in 1855, the very highest authorities expressed their opinions strongly as to the want of such a system. Its absence indeed seemed incomprehensible to some gentlemen there present, who thought it must be in consequence of some unconquerable antipathy which England felt towards Ireland, whilst others had gone so far as to gravely state it as another proof of the extreme oppression exercised by one country over another, and to allege that it was not allowed for fear lest the Irish should believe they were of much more importance than they really were. Of all the nations of Europe there were only five not possessed of this statistical information—Spain, Greece, Hungary, Turkey, and Ireland—and of these the first four were certainly not the most civilized, or indeed, celebrated for progress of any kind whatever. Even in the States of the Church an accurate account was

taken every year of the population. The want was the more remarkable, as in Ireland they had the most complete system of statistics upon every other subject of any nation in the world. There was, first, the Ordnance survey, then a property valuation giving the value and size of almost every tenement in the country, there were agricultural statistics furnished yearly, and criminal and police law statistics, conducted in the best and most accurate manner; and it really only required a system of returns of births, marriages, and deaths, to make the information complete. The means by which he proposed to carry out this system of registration were less expensive and more simple than the method employed in England. In Ireland the only registration at present existing was with respect to Protestant marriages solemnized by ministers of the Established Church, or of the Protestant Dissenters. He proposed to extend the registration to those celebrated by the Roman Catholic clergy. The registration of births and deaths he proposed to take in a different way from the marriages. As to them he availed himself of the present registration districts, and proposed to make the present registrars of marriages the registrars for the district. He also proposed that the Lord Lieutenant should have power to appoint the chief constable at each station of the constabulary an assistant registrar. Thus they would have 1,700 assistant registrars scattered over the whole country, there being about that number of constabulary stations in Ireland. The Registrar General would distribute the necessary books to these constables, with proper instructions for making the entries. It was not proposed that the constables should keep any papers of importance, but that they should forward them at intervals to the registrar of the district, who after taking transcripts should forward the original documents to the Registrar General. As to marriages, the Registrar General was to furnish the officiating clergyman of every Roman Catholic place of worship with the necessary documents for affording this information. These would all be filled up in duplicate by the clergyman, who was to retain them until they were filled up, when one of the copies was to be sent to the Registrar General, and the other to be retained in the clergyman's hands. Beyond that it was proposed that the Registrar General should furnish every quarter certified copies of the necessary statistical information for the year, and that he should publish in the usual way the information which he had thus received. Then, as to the payments; he proposed that every Assistant Registrar, that is to say, the constable, should receive for every birth registered by him 6*d.*; the registrar for every transcript he made 1*d.*; for every entry of marriage sent to the Registrar General, 2*d.* Every clergyman authorized to register marriages for so doing was to receive for each the sum of 1*s.* These and other small fees would be defrayed to the extent of about £9,000 a year out of the Consolidated Fund, and to about an equal extent out of the local rates; the whole expense being under £20,000 a year. These were the main provisions of the Bill. There were also clauses providing for the registration of persons born at sea, and an important clause enabling persons already married, and where marriages were not properly registered, to become registered. He should be most happy to receive any suggestion that might be made for the improvement of the Bill. It had been carefully prepared by persons well acquainted with the subject, and he sincerely hoped that Ireland would not be left another year without a proper system of registration.

MR. CARDWELL said, he was extremely glad that the noble Lord continued to take, in an independent position, the same interest in this subject that he did when in office. The noble Lord had had the honour of laying upon the table the first Bill that was ever proposed to remedy the great want that was now experienced of a registration in Ireland. He concurred with the noble Lord in regarding this as a matter of great importance, not merely in a scientific point of view, but as affecting the interests of the poor of Ireland, who might often be called on to prove the place of their birth in making out a title to legacies left them, perhaps in the Colonies or the United States of America. He was glad the noble Lord had introduced the subject, and he hoped the present Session would not pass over without some measure or other in connection with it being carried into a law. The subject had occupied a great deal of attention and consideration in Ireland, and two plans had been prepared. One was that of the noble Lord, which proposed mainly to effect a system of registration through the aid of the constabulary, and the other was somewhat more analogous to the system adopted in

England and Scotland—namely, to obtain the desired information by means of the services of the local authorities, the clerks of the unions, and medical officers employed in the various districts. Ireland possessed a system of medical relief more complete almost than that of any other country. It had more than 700 medical districts, and the total number of dispensaries exceeded 1,000. It was therefore a great question whether it would not be expedient to enlist, in the aid of the Government in collecting the statistical information necessary for a complete registration, the scientific knowledge of the medical profession. It was proposed that, ordinarily under the Registrar General in Dublin, the clerks of the unions should be the registrars; and the information with regard to births and deaths should be collected by the medical officers for each of the dispensary districts. As regarded marriages, it was proposed that the law should remain as it was so far as the marriages of Protestants were involved. With regard to Roman Catholic and other marriages, a machinery very like that proposed by his noble Friend would have to be introduced. He must say he did not think the employment of the constabulary would be so good a machinery as that to which he had referred. In the first place, he presumed that they would proceed in this matter on the basis of the system which prevailed in England—that whatever was paid for out of the Consolidated Fund in England, would be paid for out of the Consolidated Fund in Ireland, and that whatever was paid for by local rating in England, would be paid for by local rating in Ireland. If that was to be the rule, the largest portion of the expenditure would fall upon the local rates; and by adopting the machinery proposed by the noble Lord (Lord Naas), that of the constabulary, it appeared to him (Mr. Cardwell) that they would at the outset experience a difficulty in employing the constabulary, who were paid out of the Consolidated Fund. In the next place, he was not sure whether it would be agreeable that all information should be communicated to the police; and, thirdly, they were liable at any moment to be called away upon other duties. If, on the other hand, they adopted the machinery of the Poor-law medical officers, they would have the local funds paid to persons appointed by local authorities, and who were in constant communication with the ratepayers. It seemed to him that upon the whole there were very great merits in both plans, but he was inclined to think that the preponderance was in favour of the plan for entrusting it to the local authorities. He would now give notice that in the course of the week, he would lay upon the table a Bill which had been prepared before the present Session, but which from press of public business he had been prevented from earlier introducing, and which was based upon the plan of local management and entrusting the working of the system to local officers. The House would then have both plans before it, and his anxiety would be that one or other of those plans in the course of the present Session should pass into law. If he should have reason to believe that the plan of the noble Lord met with more general approbation, he should have every assistance which he (Mr. Cardwell) could give him, in carrying that measure into effect. He sincerely trusted that the Session would not pass without having provided some means of keeping up, by detailed information, coupled with a scientific application of that information, a complete record of the whole movements of the population and the social progress of Ireland.

Leave given.

Bill to provide for the uniform Registration of Births, Deaths, and Marriages in Ireland, *ordered* to be brought in by Lord Naas and Mr. Whiteside.

Bill *presented* and read 1°.

PORTPATRICK AND DONAGHADEE HARBOURS.

COMMITTEE MOVED FOR.

General UPTON said, he wished to move for a Select Committee to inquire into the truth of the allegations contained in the Petition of the Ayr and Maybole Junction Railway Company, presented in August last, and printed in the Eleventh Report of the Select Committee on Public Petitions, Appendix 202, relative to the application of the grant for Portpatrick and Donaghadee Harbours. The object of the Motion was to carry into effect the object of a petition presented some time since on this subject, in which the petitioners expressed their readiness to agree to complete a junction by railway between Portpatrick and Glasgow, and also between Donaghadee and Belfast, and to make important improvements in both harbours, on receiving a guarantee from the Government that a mail packet service should be esta-

blished between the two ports, thus completing the communication between Glasgow and Belfast. The late Government had postponed any grant of money for the improvement of the harbours until the completion of the line from Portpatrick to Glasgow and Dumfries; now the railway company contended that they had been exempted from this condition, and that it was enough if they formed a communication with Dumfries, leaving the traffic to find its way from there to Glasgow. The effect of this would be to give the Portpatrick Company eighty miles of traffic, and to cause that additional cost and inconvenience to the public. The company had been bound under a penalty to complete their line to Portpatrick in five years; this they had done; but this did not release them from the other part of their engagement to complete the communication to Glasgow. Nevertheless the Government had seen fit to release them from this obligation. This was done, as alleged, by a letter from the Secretary to the Treasury; but such a letter could not set aside former Minutes. Unless the Government would reconsider their decision he hoped that the House would grant him the Select Committee he asked for. He had no desire to cast reflections upon the character of a gentleman who was now engaged in the public service in the East, or to throw aspersions on Mr. Wilson, but he believed that under the direction of the right hon. Gentleman the Treasury had adopted a course which must have been founded on some misapprehension of the real merits of the case. The subject, he thought, was one at all events which called for further investigation; and he hoped for the support of Irish Members on both sides of the House in the Motion he now submitted; for every one travelling from Ireland to Scotland was interested in the question.

MR. LAING said, he would not detain the House but for a few moments while stating the grounds why the House should not agree to the Motion. It was unnecessary to go into the question whether Donaghadee and Portpatrick were the right points between which the passage ought to be established between Ireland and Scotland, because in 1855 a memorial was presented to the Government with respect to a communication between Scotland and Ireland, and the matter was referred to Commissioners, who reported in favour of a communication between Portpatrick and Donaghadee. A Bill was accordingly brought before Parliament for the purpose of effecting that object, provided it could be brought into connection with railways to the north of Scotland, and upon that application was made to the Government for assistance in the shape of money. A correspondence took place with the Treasury, and a Minute was issued by which they gave a distinct pledge to the promoters of the Dumfries and Portpatrick Railway to propose a vote for the harbours in question, on condition that the railway was completed within a certain time. Parliament had voted the money, and the works were now in progress. Under those circumstances, he did not think that the House of Commons could properly grant the Select Committee which was asked for. The contract which had been made by the Treasury could not be broken unless some collusion of a culpable nature could be proved to have existed between the Secretary to the Treasury and the railway company. Such a charge, if to be brought forward at all, should have been made last Session when Mr. Wilson was still in the country; but there was, in truth, not a shadow of evidence in support of it. The Treasury Minute was drawn up in the regular form, and as the whole transaction had reference to a railway Bill, which, when before Parliament, any party interested could have opposed, no undue secrecy could be alleged. The only contention was that the Government should, by the small outlay of £20,000 on the harbour, force the Portpatrick Company to spend, not only £500,000 on a line eastwards to Dumfries, but £300,000 more on a line towards Ayr. He thought the Government had done very well in obtaining security that the line from Portpatrick to Dumfries should be made, and he hoped the House would not grant a Select Committee in order to re-open a positive contract which had been recognized by three successive Governments, and adopted by the House of Commons, and on the faith of which large and expensive works had been commenced.

COLONEL DUNNE said, that last year he had asked whether the Government intended to expend this £20,000, and he had been informed that no more money would be laid out until the conditions of the grant were fulfilled. He thought that the Government, having in the first instance promised to assist the promoters, were bound to carry out their engagements.

Sir HENRY WILLOUGHBY said, he was as anxious as the hon. Gentleman to maintain the just power of the Treasury in its Minutes, but the original Minute of the 15th of August, 1856, undertaking that £20,000 should be laid out in the improvement of the harbour of Portpatrick, was upon condition that two railways should be made—one from Portpatrick to Dumfries, and the other along the coast, in connection with the present Ayr and Maybole Railway. The complaint of the persons interested in the coast line was that by a subsequent Minute in 1857, and by a letter of Mr. Wilson, the Portpatrick Company were told the money should be expended on the harbour if only the line to Dumfries were made. It was not fair to vary the basis of the whole transaction, and he thought the Government ought to withhold the remaining £10,000 until these persons were satisfied.

Sir ANDREW AGNEW said, that as the Representative of the county in which Portpatrick was situate, he wished to add that the Portpatrick Company had never proposed to make the line to the north; and, as there was nothing to prevent the Ayr and Maybole Company making it, he did not see that they had any just ground of complaint.

Mr. DUNLOP pointed out that when the grant was first made it was on the understanding that there should be a line of communication made between Portpatrick and Glasgow on the one hand, and Portpatrick and Dumfries and London on the other. This condition had never been carried out, and the country at large, therefore, had not got the benefit which this grant was intended to secure. He hoped the Treasury would stand to the sum of £20,000, and not consent to any further increase.

Motion made, and Question put—

"That a Select Committee be appointed to inquire into the truth of the allegations contained in the Petition of the Ayr and Maybole Junction Railway Company, presented in August last, and printed in the Eleventh Report of the Select Committee on Public Petitions, Appendix 202, relative to the application of the Grant for Portpatrick and Donaghadee Harbours,"

Motion *negatived.*

BRITISH MUSEUM, &c.

RETURN MOVED FOR.

Mr. DILLWYN said, he wished to move for a Return showing the Salaries of the Officers and Assistants employed in the British Museum, the South Kensington Museum, the Museum of Practical Geology, and on the Ordnance Geological Survey; specifying the duties of each person, the date of his appointment, and any regulations which may exist regarding increase of Salary; also stating when and by what amount any such Salaries may have been augmented.

Sir GEORGE LEWIS said, he thought it was not desirable for the Return to be ordered in its present shape.

Mr. DILLWYN said, he had understood that it was to be an unopposed Return.

Sir GEORGE LEWIS said, he considered it to be unnecessary to include the British Museum, because the information in question relative to that institution would have to be adduced before a Committee now sitting.

Return *ordered,*

"Showing the Names and Salaries of the Officers and Assistants employed in the British Museum, the South Kensington Museum, the Museum of Practical Geology, and on the Ordnance Geological Survey; specifying the duties of each person, the date of his appointment, and any regulations which may exist regarding increase of Salary; also stating when, and by what amount, any such Salaries may have been augmented, and whether any further sums have been paid to such Officers and Assistants for extra duties or special services since their appointment."

EXAMINATIONS FOR FACTORY BOY APPOINTMENTS (PORTSMOUTH).

PAPERS MOVED FOR.

Mr. BENTINCK said, he rose to move for copies of the examination papers, and the answers thereto, by the candidates for the appointment of factory boys, before the Civil Service Commissioners at Portsmouth, in January, 1860. Without some explanation on his part this might seem a very small matter to bring before the attention of the House, but he should show the House that it really involved points of considerable interest and public importance. The way in which the question originated was this. A lad in whom he took some interest had been twice examined for a berth as a factory boy at Portsmouth, and on both occasions, although not placed on the list of candidates sufficiently high to obtain him the situation, he obtained a place very nearly equal to that

of the successful candidates. In January last he went up for a third examination, but in the interval between the second and third examinations the conduct of the examination had been transferred from the schoolmasters to the Civil Service Commissioners. On the third occasion, however, he not only was not successful in getting an appointment, but his name was included in a list of those who were stated to be so utterly incompetent as scarcely to entitle them to be placed on the list of failures. This struck him as being a very singular falling off, and he made inquiries into the matter, when he found that the lad's failing was attributed to his bad spelling. He had not only obtained the evidence of the schoolmaster that the boy was actually superior in abilities to several of those who got appointments; and, as it was alleged that he had failed on account of his spelling, he could only say that he had pages of the boy's spelling in his possession, and that he spelt as correctly as any hon. Member of that House. He had therefore come to the conclusion that the boy had not had that justice to which he was entitled, and he had applied to the Civil Service Commissioners, through the Secretary of the Admiralty, to see the work done at the examination by this boy, and by the five boys who had gained appointments. In order to procure clear and comprehensive information, he had also asked for the examination papers used at the general examinations. He made his application, as he had said, to the noble Lord the Secretary of the Admiralty, and in the course of time he received, through Mr. Kempe, an answer from Mr. Maitland, the Secretary of the Civil Service Commissioners. That answer gave the subject a much more serious aspect, and the real and important question was this, whether the Civil Service Commissioners were to be considered from that time forth a totally irresponsible body. That was the real question at issue. Mr. Maitland stated that as the Civil Service Commissioners seemed to be accused of unfairness in the conduct of the examination, they declined to notice the matter in any way whatever. They further expressed the opinion that if their decisions were called into account their services would be no longer useful to the country. Now, he had preferred no charge of unfairness against them; no doubt they had every wish to do that which was just and right towards all the candidates who presented themselves, but they had not the attribute of infallibility. He asked the House whether the tone assumed by them in this communication was such as ought to be assumed by any body of public servants. Were they to say that they would not, under any circumstances, deal with any charge preferred against them? If they were enabled to maintain such a position they would establish a privilege which no other body possessed; yet that was the position claimed by these gentlemen. He could not share such an opinion, and he should be surprised if the House sanctioned it. He had stated, in his reply, to the Civil Service Commissioners, that he preferred no charge of unfairness, but that he demurred to the position laid down by them, and he stated that he knew no instance of servants of the Crown being entitled to such a claim; and, further, that he should take an early opportunity of bringing the question before the House of Commons; and his purpose in moving for these papers was to raise the question of the right of the claim asserted by these gentlemen. It seemed to him a position so monstrous and untenable that he could not think the House of Common would assent to it. He might be told that at the universities there was no appeal against the decision of the examiners; but there was really no affinity between the cases. Then he might be told that there was a Committee sitting up stairs in connection with the proceedings of the Civil Service Commissioners, and that he must wait till that Committee had reported; but he begged to say that there was nothing in the proceedings of that Committee which affected the question he wished to raise. With the Civil Service Commissioners rested the whole patronage of the country, and was it to be endured that no one, not even the House of Commons, was to impugn their decisions? Supposing an hon. Member were to ask a question of the noble Lord at the head of the Government, the House would be rather astonished to hear the noble Lord reply that as the question implied a charge against him he should not take any notice of it, and still more astonished would the House be if the noble Lord were to add that the utility of the Ministry would be entirely destroyed if he were to answer such charges. Well, then, were the Commissioners to assume a position which not even the head of the Government would take upon himself? Were they to be the only irresponsible body of

men in the country? To suppose that they never made mistakes would be absurd, and if the Government supported and the House sanctioned their claim to entire irresponsibility he believed it would cause great surprise and regret throughout the country.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I heard with satisfaction the statement of the hon. Gentleman that he intended nothing offensive to the Civil Service Commissioners in making this application. I quite admit that as he has stated the question, it is one of considerable importance. My own view differs entirely from his, but the importance of the subject I quite allow. As it stands, the question is a simple one, which may be stated without much difficulty and without much detail. As respects the particular person in whom the hon. Member feels an interest, there is no difficulty in explaining whatever he has referred to as being apparently peculiar. The method of proceeding adopted by the Commissioners is that certain elementary acquirements are treated as absolutely indispensable—and unless a fixed and positive standard with regard to those acquirements is reached by the candidate, the Commissioners will not take cognizance of any other acquirements he may have attained. Such a regulation and distinction between what is essential and what is of secondary or less absolute importance is, I believe, both perfectly well founded in the nature of the case, and justified by the practice of otheir institutions. In the case of the young person referred to by the hon. Member there was one particular point in the elementary acquirements regarded as essential in which the candidate proved to be defective, and therefore the Commissioners could not ascertain his efficiency in the other branches to which the examination extended. The hon. Member has said that he has many pages of the boy's spelling in his possession which do not exhibit any deficiencies. It must, however, be obvious that positive evidence is much better than negative, and the appeal from the Commissioners to the hon. Member's judgment involves the whole question. It is not alleged that there has been any breach of faith upon this occasion. All persons applying for public appointments are made aware of the conditions upon which those appointments depend, and they all know that an examination must be submitted to, and that from the decision of the examiner there is no appeal, either to the House as a whole or to individual Members. The hon. Gentleman considered the claim of the Civil Service Commissioners unheard of, because they declined to submit their proceedings in particular cases for review; but, so far from being unheard of, it is a claim that is supported by analogy of the proceedings of every other department, and which is grounded upon the necessities of the case. The hon. Gentleman says if my noble Friend at the head of the Government was to say that he would not take notice of any charge that might be brought against him it would be a monstrous claim, and therefore so much more is it a monstrous claim on the part of the Commissioners. But I draw a broad distinction between acts in the nature of executive acts of an ordinary kind, and those particular cases where an essentially judicial function has to be performed. Every public servant who has others under him may be called upon to do something in the nature of a judicial act, by punishing, suspending, or dismissing those under him; and I never heard of a public officer who had performed acts of this kind who did not lodge a claim for his acts of exemption from review just as in this case. There was a very marked case which occurred some years ago, which bears upon this point. A gentleman, whose name I need not mention—an officer of the Customs' establishment, a landing-waiter—was accused of culpability, or connivance at certain frauds, whereby the public revenue was materially injured. A Royal Commission was appointed, of which I was a member, and over which Lord Granville Somerset presided. We instituted a most laborious investigation into these frauds, and we became perfectly convinced that the landing-waiter who was charged with connivance, and had on that account been dismissed, was entirely innocent. We heard all parties; we made a kind of judicial investigation; we reported to the Crown that this gentleman was innocent; but the Chairman of the Board of Customs declined to accede to our recommendation that the gentleman should be restored to his situation. An hon. Member came down armed with our Report, but failed to induce the House to interfere with or to review the acts of the head of a department, who declared that any such interference would be destructive of discipline and injurious to the public service. The gentleman was afterwards

re-appointed—and a most deserving public officer he has proved—but not in consequence of any covenant on the part of the authorities to do so. That is an instance which occurs to me, and if ever there was a case in which it was essential to uphold the independence of public functionaries, I think the case now brought forward is one. The whole weight of personal feeling and political influence is continually working against the Civil Service Commissioners, and unless this House and the Government afford them full support it will be impossible for those gentlemen to exercise satisfactorily the functions that have been assigned to them. I do not complain of the hon. Gentleman for finding fault with the Commissioners, but the question is not whether they are infallible, nor whether they have made in this case an error—as it is possible they may have done—but whether it is absolutely necessary for the proper discharge of their functions that, so long as those functions are discharged with honesty and general intelligence, their acts should be exempt from review. That demand is supported by the universal practice of all examining bodies whose examinations are entitled to any respect. The hon. Gentleman says the Universities are not in point; but, if they are not, the particulars in which they differ from the present case give this case greater strength. The Universities are independent bodies, and their conduct cannot be brought before the House in particular cases; they are free from political influence which presses upon public departments. It is not from any personal feeling towards the Commissioners that I say we ought not to call upon them to submit their proceedings to the House, but because if you do so in one case other demands will arise, and these concessions will make the exercise of their functions useless and delusive, affording no security to the public, but working much mischief, because delusive. It must be borne in mind that the Commissioners have in no way declined the jurisdiction of the House. They do not deny that it is within the power of this House to inquire into the acts of any public officer; but the question is, whether it would be prudent or politic to exercise those powers. I think it would be most imprudent and impolitic, and would defeat the useful labours of the Civil Service Commissioners. No claim can be greater upon the public gratitude than the claims of those gentlemen, but it is not upon that ground that I hope the hon. Gentleman will not press his Motion, or that, if he does, the House will not support him. I oppose the Motion because there are certain prerogatives, belonging essentially to the discharge of the duties of the Commissioners, which it would be against the interests of the country that we should deprive them of.

MR. MONCKTON MILNES: Sir, I quite agree with the right hon. Gentleman as to the importance and responsibility attaching to the duties assigned to the Civil Service Commissioners, and it is for that reason that I desire to see the utmost publicity given to their proceedings. Besides, the general question as to the desirability of examinations for the Civil Service, has been by no means quite decided by the public opinion of the country; and I think it will be found that there is a good deal more to be said on the other side of the question. I would say that in a matter which has not been fully determined by public opinion, it is only fair that the public should be fully informed as to all the transactions of this great Commission. If the power intrusted to it is to be exercised in entire secrecy, and not to be subject to the supervision of Parliament, I believe it will degenerate into a very irresponsible power. Certain I am that if publicity is not given to their proceedings, an immense amount of public odium will accumulate upon this Commission; and I think it is only fair and just to the Commissioners that such a Motion as that before the House should be at once acceded to.

LORD ROBERT CECIL said, he also was in favour of the Motion, and he trusted that the House would not remain satisfied with the explanations they had just heard from the Chancellor of the Exchequer, for they amounted to but a very lame attempt to dispose of the matter. The question really in issue was, whether the whole patronage of the Crown should or should not be placed in the hands of officers wielding irresponsible power. The right hon. Gentleman the Chancellor of the Exchequer had nicknamed the functions of those officers by characterising them as "essentially judicial." He (Lord R. Cecil) had never before heard such an application of the term; but if such proceedings were to be called "essentially judicial," and if the House of Commons were to be debarred from any power of reviewing the decisions of those Civil Ser-

vice Commissioners, then he felt no hesitation in saying that they had lost much more than they had gained by the establishment of such a system. And he would remind the House that not more than two years ago a Government was turned out, not wholly, but mainly, because its appointments were considered improper. But, accepting for the moment, that these proceedings ought to be considered "essentially judicial" in their character, had ever anybody heard of essentially judicial proceedings being carried on in England with closed doors? The right hon. Gentleman the Chancellor of the Exchequer, in alluding to the examinations at the Universities, had called the attention of the House to the fact that the decisions arrived at in Oxford and Cambridge were subject to no review; but the examinations were conducted in public, so that the bearing of the students could be observed, and some opinion be formed as to whether the decisions of the examiners were fair or not, rendering them, therefore, subject to censure. But the decisions arrived at by the Civil Service Commissioners were not only left without review, but the examinations were conducted in private. He, however, demurred entirely to the Universities of Oxford and Cambridge being cited in justification of the Civil Service examination system. The degrees they granted had no influence on the fortunes of any one, save those to whom they were given; whereas all the inferior offices of the Crown were recruited from these Civil Service examinations. There was no analogy between the two. It was of the essence of a free country that the disposal of its public offices should be reviewed and criticised and inquired into by the representatives of the people. The right hon. Gentleman had spoken of these Commissioners in complimentary terms. He had no doubt they conducted their duties with great ability and impartiality; he had no ground to impugn the one or the other; but it should be borne in mind that impartiality and ability were not always secured by high names and distinguished position, and that this system which we were establishing might last for generations. Without imputing corruption to the Commissioners, which he would be slow to do, he might still, without insulting them, remark on their eccentricities and crotchets. For instance, they might have peculiar views about education and other matters coming within their province, and they might thrust these peculiar crotchets forward to the detriment of the public service and to the injury of the youths they had to examine and the system they were called upon to administer. He would even go further, and, discarding his allusions to hypothesis, call the attention of the House to the Report last issued by these Commissioners, and especially to the details of the examinations for Indian appointments. In those examinations the Commissioners had been allowed to exercise their most extensive and unfettered powers, and in the results arrived at the House would find materials to fully justify the terms he had used—"eccentricities and crotchets" It would naturally be supposed that in granting Civil Service appointments some attention would be paid to the qualifications of the individual to perform the duties of the position. It was impossible to examine a man in the art of leading an army, or of governing a province; but he could be examined as to his knowledge of Sanscrit and Arabic, and in respect to these Indian examinations, upon his knowledge of those and their kindred languages would depend very much his efficiency in wielding the power with which he desired to be entrusted. It was, therefore, a rational conclusion that the Commissioners would encourage those who possessed these special qualifications for Government in India. But what was the fact? It would be found that men possessing high marks in Arabic and Sanscrit were rejected, whilst men who had no marks at all for proficiency in those languages, but whose knowledge of Latin and Greek, or other languages equally foreign to the duties of the position, had been found good, were chosen. With such facts as these before them, they were not to suppose these Commissioners were, as a matter of course, immaculate; and unless some check, such as that adopted with respect to every other paid servant of the Crown, were established, it would not be surprising if the duty were improperly performed. He agreed that the system was at present on its trial, but it would be found that its direct tendency was to turn all the offices of the Crown into a set of exhibitions for the schoolboys of the country. In no other undertaking was this system adopted; every private firm would look upon it with distrust. There was nothing that commended itself to common sense in the idea that a mere successful book-worm was, as a matter of course, more capable than his unsuccessful com-

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petitor of leading an army or ruling a province. The merits of the candidate should be tested by a more careful and ample experience and to obtain that experience they should jealously watch the progress of the present system, and more jealously than otherwise because the system was new, untried, and would most probably fail.

SIR GEORGE LEWIS: There are two questions brought under our consideration, and before this House comes to a vote, it is expedient to distinguish between them. One is the expediency of the system of examination; the other is the propriety of making the examination papers public. I remember very well the issue of the Order in Council under which this system was created, and I cannot admit that there was any want of consideration in regard to the framing of that Order, while up to this time it has not been found necessary to make any alterations in the regulations there laid down. Since that time the Commissioners have made annual reports, and the working of the system has been copiously brought under the notice of Parliament, so that there has been ample opportunity of interfering, if interference had been thought necessary. I therefore assume that the general feeling of Parliament and the country is in favour of the maintenance of the system. I do not, therefore, think it necessary to review the ground which the noble Lord has travelled over when he appeared to question the expediency of the general system. The point raised by the Motion, and which we have to decide is, whether it is expedient that any hon. Member of this House should be entitled to call for papers written by candidates at the examinations. I affirm that, if the system is a good one and ought to be supported, it is absolutely necessary that the confidence of the various candidates should be maintained. We have the example of the examinations at the Universities and public schools to go by. The noble Lord, who is so well acquainted with the system of examination at Oxford, said there was publicity given to the examinations at that University. [Lord R. CECIL: At the *vivâ voce* examinations.] But these are not *vivâ voce* examinations. The rule both at Oxford and Cambridge is that the examination papers written by the candidates both for degrees and studentships, are considered confidential, and that were even the head of a college or any one in authority to complain of the discretion of the examiners, the latter would nevertheless refuse to show the papers. Suppose you were to allow an appeal from the decision of the examining masters by bringing the papers before House of Commons, the effect would be that you would have to bring up the papers not only of the unsuccessful but of the successful candidates. What would be the result? Some Gentlemen might think that a person placed by the examiners six or seven, ought to be four or five; but is a Bill to be brought in reversing the decision of the examiners? Such a mode of conducting the business of the examinations would be absurd and impracticable. The only means of attaining the object of the hon. Gentleman would be to declare that, in the event of a candidate being dissatisfied with the result of an examination, there should be an appeal to some superior board of examiners. But would such a system as that answer? The rule is, that where there is no competition, the original appointment is in one sense absolute. The person is usually sent to the Civil Service examiners in order that they may ascertain whether or not he comes up to a certain standard. If he comes up to the standard, his appointment proceeds; if he does not come up to the standard, another is appointed. In the case of competition, the duty of the examiners is to say which is the best of the candidates, but in no case is the original appointment dependent upon the will of the examiners. It is therefore erroneous to say that the patronage of the Crown is in any sense transferred to the examiners. But what would be the result of the appointment of a superior board of appeal? The result would be simply this, that in any case where candidates were rejected for not coming up to the standard, or rejected in cases of competition, they would appeal and take the chance of a second examination. You would then have the process repeated a second time, before another board not more competent to decide than the first, and you would multiply the trouble and inconvenience without any good result. The necessity of the case seems, therefore, to be that if you are to have these examinations at all you must allow the decision without appeal, to rest with the persons appointed by the Executive Government. If it can be shown that they are not worthy of the confidence of the Government or this House, that they act with unfairness, or are incompetent from literary or other disqualifications, then let the House interfere by an Address

to the Crown, to remove them from their offices; but it is impossible to work the system on any other principle than that of placing confidence in the examiners and not violating the secrecy of the examination papers. Therefore any Motion calling for such papers ought not to be assented to.

MR. G. W. HOPE said, he had understood the right hon. Gentleman the Chancellor of the Exchequer to say that the rule adopted by the examining Commissioners was to take a certain standard, and to put aside all considerations of special fitness beyond that. [The CHANCELLOR of the EXCHEQUER: Accomplishments, not fitness.] That word would answer his purpose as well as the other. What he wished to say was, that the tendency of such a system as that described by the right hon. Gentleman—namely, that if the candidates did not come up to the elementary standard they were put aside altogether and others chosen in their place—would be to make the affair rather a mere schoolboy's examination than the examination of persons capable of performing duties to the public. Spelling, he admitted, was an elementary principle of education, and perhaps, in the absence of any other there was not a better test of whether a man was an educated man or not than that of spelling. But it should not be forgotten that many an eminent man had gone down to his grave deserving well of his country for the services he had performed, but whose ability to spell was in fact *nil*. Discussing once with Sir George Grey, the Governor of the Cape of Good Hope, the merits of a public servant, Sir George said—

> "I never knew a more valuable or efficient public officer, for he was able to speak well, write well, and compose well—his reports being truly admirable; but he would never have been able to enter the civil service under the present system, for to the end of his days he could not spell well."

Without alluding to names, he would give another instance. There was an individual who excelled all others in history, mathematics, and composition; not only so, but he was known among his fellows to be the ablest and most efficient candidate for the office; yet that man had been rejected in a competition because he had made a mistake in the spelling of a single word. He would not deny that if resort could be had to no other test the test of spelling might be taken; but he maintained that such elementary parts of education ought not to be taken as conclusive while it was possible to test the abilities and education of candidates in some other way. He could not agree either with the statements that had been made by the Chancellor of the Exchequer with regard to what was understood to be the prevailing practice in the various departments of the Government with respect to the removal and reinstatement of public officers. And he was of opinion that in the case of the individual to whom the right hon. Gentleman had more particularly alluded, that it would have been simple justice to reinstate the man who had been improperly displaced. Indeed, so far from the doctrine laid down by the Chancellor of the Exchequer having obtained, while he (Mr. Hope) was in the Colonial Office, one of the most difficult and disagreeable portions of their duty was the discussing and determining questions with respect to the removal of public officers. He did not deny that for the efficiency of the public service it would, in many respects, be much better that there should be a power of absolute dismissal; for there were many cases in which a man was inefficient, but in which no fault could be alleged sufficient to justify his discharge. It was, in fact, one of the advantages which private mercantile firms possessed over the Government, that when they had a clerk that did not suit them they could send him away without assigning any reason. Nevertheless, he held that no such custom could be introduced into the Government offices; they must in each case require a justification for the dismissal of a public servant. He did not wish to say a word in disparagement of the Commissioners in the present case, of whose very names he was ignorant, but it could not be contended that they were not liable to errors. Only the other day it transpired that the examiners for military commissions had been deceived by a gross system of fraud. Suppose that had been the case of a competitive examination. If grounds should exist for supposing that improper practices prevailed, were not parties who were aggrieved to be entitled to appeal to the Government, and demand an investigation? Moreover, he could give an example where an appeal had been actually allowed. The military examinations were not only directed to proficiency and scholarship, but also to physical qualifications. A candidate was recently rejected on the ground either of deficiency of eyesight or hearing. The young man's father dissented from the decision. He took the

opinion of physicians, which established the lad's fitness, the military examiner gave way, and the boy was received. That was, fortunately, an appeal of a nature which it was possible to substantiate; but the same right ought to be recognized more generally, and he for one could not admit the principle of irresponsibility on the part of the Commissioners which the Chancellor of the Exchequer seemed desirous to establish.

MR. LOWE: In order that the House may not be led away from the question at issue, I wish to restate what is the precise claim put forward by my right hon. Friend the Chancellor of the Exchequer. That claim is simply that in the absence of any imputation of fraud, misconduct, and suspicion, the Government shall not be compelled by the friends of candidates who may consider themselves aggrieved, in the House of Commons to publish the answers to the questions that have been proposed. And what does a man contract for with the Government who submits himself to examination? He submits on his part to abide by the result of that examination, and the Government, on their part, undertake that if the examiners place him in a certain position he shall receive a certain place. The Government, also, do not undertake that the Commissioners shall be infallible. They undertake that the Commissioners shall do their duty honestly and fairly, and if they do that the contract is fulfilled, and it would be the height of injustice to the other candidates to reverse the decision of the Commissioners, even if they should have been guilty of some errors. If these examinations are to be re-opened, the candidate who is fortunate enough to have a friend in a Member of Parliament will always be able to obtain a reversal and review of the examination; but the poor man who has no such friend must submit to the result of the examination, although the Commissioners are quite as liable to error in the one case as the other. What remedy can there be in publicity in such a case? This House does not meet to entertain scholastic questions, but to manage the business of the nation, and I trust the time will never come when it finds us engaged in considering examination papers involving questions of spelling and grammar. What would be the result if the House got possession of these papers? What would they do with them? Would they reverse the decision of the examiners? In the department with which I am connected it has always been the practice to refuse these examination papers, on the ground that the person submits to this examination as he would submit to an award in a case of arbitration. The noble Lord (Lord R. Cecil) has complained that in the East Indian examination candidates are not examined into those matters which would show their special aptitude for the Indian service.

LORD R. CECIL: I said they were examined in special knowledge, but that those who were proficient in Sanscrit and Arabic were rejected, while those who knew nothing about them were selected.

MR. LOWE: The noble Lord is mistaken in what he said on this point. The subject of education for the Indian service was referred to a Commission of which Lord Macaulay was a Member. That Commission reported that they wished the Indian examination to be open to all the well educated young men in the country. They, therefore, made a list of all the subjects in which young men are usually educated, and assigned to each a number of marks which they believed would represent the relative difficulty of each subject. They did put Arabic and Sanscrit in that list, but not on the ground of the aptitude which a knowledge of those languages would give a person for the Indian service, but simply and solely because they were studies upon which young men of liberal education might in some cases have entered, and for which they might be, therefore, entitled to receive marks. But the Commissioners drew up their list expressly to exclude those who had turned their attention to the Indian service, in order that the service might be open to all the young men in the country, and that those should not be excluded who had not thought it necessary to devote a certain portion of their time to particular studies. I had something to do with that Report, and, for my own part, I only regretted that Arabic and Sanscrit were included at all, because the admission of those languages into the list tended to create the very error into which the noble Lord had fallen. As the House would not know what to do with these papers if it got them, and as debates on this subject would take up the time of the House without any useful result, I trust that the House will refuse to agree to a Motion which would destroy the independence of the examiners, and put an end to the confidence which the country now places in their decisions.

MR. BENTINCK replied. The Chan-

cellor of the Exchequer had referred to a case which occurred in the Customs some time ago. But in that case, in consequence of the Report of the Committee, the man was re-appointed, while in the case he now brought forward there were no means of obtaining justice if these papers were refused.

Motion made and Question put,

"That there be laid before this House, Copies of the Examination Papers, and the Answers thereto, by the Candidates for the appointments of Factory Boys, before the Civil Service Commissioners at Portsmouth, in January 1860."

The House *divided*:—Ayes 50; Noes 80: Majority 30.

LOCOMOTIVE BILL.—LEAVE.

FIRST READING.

Mr. GARNETT said, he rose to move for leave to introduce a Bill for regulating the Use of Locomotives on Public and other Roads, and the Tolls to be Levied on such Locomotives, and on the Waggons and Carriages drawn or propelled by the same. The Bill was in principle the same that he had the honour to introduce last year, but he had added new provisions in order to meet the objections which were then urged against it.

Mr. DARBY GRIFFITH said, he could not conceive how it would be possible, under the most favourable circumstances, to run steam carriages on the public roads consistently with the public safety. He should not object to the Bill at that stage, but he hoped it would be shown to the House that no danger could arise from the use of locomotives on turnpike roads.

Leave given.

Bill for regulating the use of Locomotives on Turnpike and other Roads, and the tolls to be levied on such Locomotives, and on the waggons and carriages drawn or propelled by the same, *ordered* to be brought in by Mr. Garnett, Mr. Headlam, Colonel Wilson Patten, and Mr. Ridley.

Bill *presented* and read 1°.

INDIA (BUDGET).

PAPERS MOVED FOR.

Colonel SYKES said, he rose to move that a humble Address be presented to Her Majesty for Copies of the Minutes in Council of the Governor of Madras, dated the 20th day of March, 1860, and of the Minutes of the other Members of the Madras Council, upon Mr. Wilson's Budget; together with any Correspondence of the Secretary of State for India in Council with the Governments of India and Madras upon the imposition of the Income Tax; and of Dissents (if any) of Members of the Council of India. There had recently appeared in an Indian newspaper certain Minutes of the Governor of Madras, the Commander-in-Chief, Mr. Maltby, and Mr. Morehead, members of the Council of Madras, expressing their opinions as to the practicability or non-practicability of imposing the new taxes devised by Mr. Wilson upon the people of India at the present moment. In that Minute, Sir Charles Trevelyan expressed his conviction that the present crisis in India was more pregnant with portentous results for good or evil than any which had occurred within the memory of the present generation, and that on the line now taken would depend the future of our empire in the East. Sir Charles then proceeded to say:—

"I have always been of opinion that the financial crisis might be satisfactorily met by the reduction of expenditure only, combined with some obvious administrative improvements, whereby both our civil and military establishments would be rendered more effective, and the existing taxes would be more fully collected. . . . If we determine upon reducing a large portion of our Native Army and improving the condition of the remainder, financial difficulties will be overcome; we shall have a feeling of security which we have not enjoyed for many years, and shall be free to work out those improvements in the different branches of Indian administration on which the prosperity of the country depends. The result of this policy may be as clearly foreseen as anything in human affairs can be; but it will be far otherwise if we use our strength to impose on the people of India a new system of taxation which is extremely distasteful to them, which is not justified by any necessity, and which is totally unsuited to the present state of society in the country. The argument used by myself and my colleagues, and by many of the ablest of the officers serving under us, against the tobacco and licensing taxes are equally applicable to the taxes now proposed. If we use the strength which our present advantages give us to force obnoxious taxes on the people it will place us in a position towards them totally incompatible with the simultaneous reduction of the Native Army. We cannot afford to have a discontented people and a discontented army upon our hands at the same time."

The same Gentleman spoke of the income tax as utterly impracticable, and of the tobacco tax as being next to it most injurious, because it would bring back the evils of a system of native taxation from which the Government had only recently assured the people they were finally relieved. He also said—

"It is a novel experiment, the success of which must be uncertain, and in the event of failure there is the danger of its raising a flame of discontent throughout the whole empire, and uniting the entire people in a feeling of opposition to us."

That was a portentous prognostication, from the fulfilment of which he hoped Heaven would defend us. Mr. Maltby said—

"I hesitate not to give my strong opinion as an individual member of the Government that it would be far safer to dispense with three European regiments, at least two of our Native Cavalry Corps, and a corresponding portion of Native Infantry, than to attempt to introduce the proposed taxes."

Mr. Morehead, whose experience gives great weight to his opinions, said—

"A sullen feeling of dissatisfaction already exists wherever Mr. Wilson's scheme of taxation has been understood by the people, and this feeling will, if the proposed taxation is carried out, undoubtedly become one of general and serious discontent. I agree with Mr. Maltby. I look upon an income tax for the present year as hopeless, and as a general measure it can only end in failure."

Such were the opinions of high authorities upon the proposed scheme. He said nothing as to the mode in which they had got into print. They had been published in the papers, and were known by this time throughout all India, and he believed that it would be found impossible, after that disclosure, to carry out Mr. Wilson's Budget. Sir C. Trevelyan set out with the axiom which every statesman adopted unhesitatingly, that before you attempt to tax a people you must see if you cannot reduce your expenditure, and Sir Charles thought he had proved that reduction was quite practicable.

MR. A. STEUART moved that the House be counted.

Notice taken that Forty Members were not present; House counted; and Forty Members being present,

COLONEL SYKES proceeded to say that if 50,000 European troops could break the neck of the mutiny, reduce Delhi, take Lucknow, and hold their own until reenforcements arrived from Europe, that there was not now a Native Prince in India who could withstand a Brigade—nor a fortress to sit down before—and that the people had been to a considerable extent disarmed, there was no necessity to keep a larger force in India now than in 1857. In April 1857, however, the revenue of India amounted to £33,000,000, which was fully sufficient to cover all charges in India and England at that time, and allowed £2,000,000 to be expended on public works and improvements. The state of things which existed in April, 1857, could surely be restored, if the House and the Government only resolved to return to the status of that period. These facts were not to be gainsaid, as they were derived from papers upon the table of the House; and he contended that in these circumstances they would be running a tremendous risk if, in opposition to such opinions as those which had been expressed by Sir Charles Trevelyan and Mr. Maltby, they attempted to impose new taxes when they could do without them. His right hon. Friend (Sir C. Wood) had a vast responsibility resting upon him. He must either maintain a force sufficient to collect those taxes in India, or he must abandon them, and reduce the expenditure of that country within the £37,000,000 which the Indian revenue was now producing. He hoped that before these taxes were insisted upon his right hon. Friend would obtain the opinion of this House upon the subject; for, fortified in that way, he might be able to carry the whole weight of the country with him. In the meantime, as the papers for which he now moved had been printed and circulated in India, he did not see how the Government could well refuse to produce them for the information of this House.

Motion made, and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Minutes in Council of the Governor of Madras, dated the 20th day of March, 1860, and of the Minutes of other Members of the Madras Council, upon Mr. Wilson's Budget; together with any Correspondence of the Secretary of State for India in Council with the Governments of India and Madras upon the imposition of the Income Tax.

"And of Dissents (if any) of Members of the Council of India."

MR. VANSITTART said, that as he had placed upon the paper a notice of a Motion for Friday next very similar in terms to that just made by his hon. and gallant Friend, he begged to be allowed to detain the House for a few moments. On Friday last he had ventured to condemn the financial scheme which had been so recently introduced to the Legislative Council at Calcutta by Mr. Wilson, and he was not a little surprised to find that opinion so soon receive a strong confirmation from very important and influential authorities.

On Saturday, the following day, the Indian mail arrived, bringing news that the financial Budget was exciting the greatest alarm in India, in the same proportion as the financial Budget of the Chancellor of the Exchequer was beginning to excite distrust and apprehension amongst commercial and monetary circles at home. No less authorities than Sir Charles Trevelyan, the Governor of Madras, and Mr. Maltby, who had been for thirty years in the Civil Service of that Presidency, and who had lately been made a Member of the Council, Mr. Morehead, and Sir Patrick Grant, his colleagues in Council, had denounced this scheme in the strongest terms. Without, however, going into the merits or demerits of the scheme at that moment —though he himself held a very strong opinion on it, and, if no other Member undertook the task, should feel it his duty to bring the question under the consideration of the House—the request of his hon. and gallant Friend ought to be agreed to. The papers had been published in all the Indian journals, and on so grave and important a subject Parliament and the people of this country ought to be placed on the same footing as the Indian community. He hoped, therefore, the right hon. Baronet the Secretary of State for India would not resist the production of these papers, and if he did, he (Mr. Vansittart) would gladly support his hon. and gallant Friend in taking the opinion of the House on the subject.

Mr. BUCHANAN said, that great exception was taken in this country to Mr. Wilson's policy of laying additional taxes on British manufactures introduced into India. If it were true, as was stated last year, on high authority, that India was chiefly valuable to us in consequence of the commercial advantages which we derived from that country, the policy of taxing British imports was very questionable. It had always been maintained that the raw materials of manufactures should be exempted from taxation or as lightly taxed as the finances of a country would allow; but in this new scheme a double duty had been laid on the importation of the half-manufactured article—cotton twist. The manufacturers of that article in this country had to sustain a competition in India, where there were now a considerable number of factories having the advantages of cheap labour, cotton grown on the spot, and none of the drawbacks of the cost of transporting the material first to England and then to India; and this was a case, therefore, in which special consideration ought to have been paid to them. He hoped that this policy would receive full discussion in the House.

Sir CHARLES WOOD: The House will see, from the observations of my hon. Friend behind me (Mr. Buchanan), that my right hon. Friend, Mr. Wilson, is not at all likely to be more successful than Chancellors of the Exchequer in this country in the very difficult task of imposing taxes which will please all parties. My hon. and gallant Friend (Colonel Sykes) finds fault with one part of the Budget, because it will not suit the people of India; and my hon. Friend, the Member for Glasgow, finds fault with another portion, because it interferes with the interests of the manufacturers at home. But the question for the House to bear in mind, is the position of the Indian finances. It was my duty last year to state their position; they have received the fullest consideration of Indian Statesmen; and the Supreme Government in India, after the fullest deliberation, and after having taken the opinions of the best authorities, have come reluctantly to the unanimous conclusion that the course which they have taken, coupled with a large reduction of expenditure, is the only one which offers a fair prospect of equalizing expenditure and income. That this is a desirable, nay, an indispensable object to attain, no one in this House, I think, will be prepared to deny. Having refused last year, and rightly refused, I believed, to give an Imperial guarantee for the Indian loan, I must express an earnest hope that the House will leave the responsibility for the arrangement of the Indian finances to the Government in that country, who, after all, must be better able to judge in what manner additional revenue can most easily and justly be obtained. I quite agree with my hon. and gallant Friend, that large reductions ought to be made in Indian expenditure. Ever since I have been in office I have impressed that on the Indian Government; and I am happy to say that last week we received news from India of reductions to a larger extent than we anticipated. The House may be assured that I do look to a large reduction of expenditure, rather than to a large increase of taxation, for equalizing expenditure and income; but the Indian Government have come to the conclusion, and I must say, that I cannot dissent from that view, that both are necessary

for that object. I shall not go into a discussion of the Indian Budget, further than to say with regard to the production of the papers, that I hope my gallant Friend will not press for them at the present moment. They only arrived here last Saturday; other questions besides the mere question of the Budget are involved in them; and it is only right that the Indian Council should have the opportunity of giving them a full consideration. I feel the necessity of producing them before long, as strongly as my hon. and gallant Friend; and in a week or ten days I may have no objection to laying them on the table; coupled, however, with other papers, without which it would be impossible to come to an adequate conclusion on the subject.

COLONEL SYKES, in reply said, he had no objection to leaving the chief responsibility to Indian authorities; but he wished to point out that these authorities were not agreed. The Madras Government objected to the scheme in the strongest manner.

MR. KINNAIRD said, he presumed that after the statement of the hon. Member (Mr. Vansittart) the financial scheme of Mr. Wilson would be brought under discussion on some future occasion. He would suggest, therefore, that instead of these desultory discussions, the right hon. Baronet, the Secretary for India, should fix a day when, all the papers on the subject being before the House, the whole question of Indian finance should be gone into. In this way the right hon. Gentleman would save both his own time and that of the House.

SIR CHARLES WOOD said, that it would, of course, be his duty, sooner or later, to bring the finances of India under the notice of the House. The Indian accounts had been received, and were being prepared for printing. As soon as they were printed they would be laid on the table of the House; but, until they were produced, it would be impossible to fix any time at which to enter upon the question; nor in the present state of public business, was it possible for him to do so, if even the papers were now ready.

Motion, by leave, *withdrawn.*

STOCK-JOBBING BILL.
SECOND READING.

Order for Second Reading read.

MR. BOVILL, in moving the second reading of this Bill said, that it had its origin in the proposition of the Chancellor of the Exchequer to obtain a revenue by imposing a penny tax upon contracts made on the Stock Exchange. The Chancellor of the Exchequer declared that Sir J. Barnard's Act was obsolete, and on that ground proposed to repeal it, and convert the contracts against which it was directed into a source of revenue. But the right hon. Gentleman did not seem then to be aware of the existence of the Act of 1845, which prohibited all contracts by way of wagering and gaming. The Government afterwards stated that they did not intend to give validity to gambling transactions, but only to deal with contracts for *bonâ fide* transactions. Now, if the object of the Bill introduced by the Government was merely to prevent interference with the legitimate transactions of *bonâ fide* purchase and sale, then he quite concurred in it; but, on the other hand, if they intended by their Bill to do more, and to remove the restrictions upon gaming transactions, that Measure would meet with his most strenuous opposition. The Bill which he had prepared, whilst it preserved the penalties against gambling, would be found to do away entirely with every possible restriction which could be considered objectionable as interfering with *bonâ fide* transactions; and he did not confine it to the mere transactions of immediate purchase and sale. He quite understood that it might be right and proper, in ordinary transactions on the Stock Exchange, that there should be contracts made which might be completed at a future day, and that contracts should be entered into by persons who at the moment might not be possessed of the stock which they contracted to sell. Transactions of that kind however were prohibited by Sir J. Barnard's Act under heavy penalties, and he proposed by his Bill to do away with those restrictions. There was no *bonâ fide* transaction of purchase and sale which would, after the passing of his Bill, should the House sanction it, be at all interfered with by the provisions of Sir J. Barnard's Act. But he had guardedly abstained from giving any countenance to transactions which were of a purely wagering or gambling character, and had left all the penalties in force as to such bargains, and that was the main difference between the Bill proposed by himself and that proposed by the Government. The objection he felt to the Government measure was, that it remitted the penalties on gambling in the Funds, which were imposed by Sir John Bar-

nard's Act, and it rested with the Government to make out a case for a repeal of those provisions. He had never yet heard any sound argument for the remission of those penalties. The object no doubt was to raise a revenue by taxing gambling transactions, but the Government could not tax them without also legalizing them; and he would ask, was there not something of far higher consideration than the mere question of revenue? He could not help thinking, that of all species of gambling that on the Stock Exchange was the worst and most pernicious. If a man went into a gaming-house, and threw dice, or played at hazard, the chances were equal; but was there any element of fairness in the gambling on the Stock Exchange? Persons who had secret information of the movements of Governments abroad, or who had obtained intelligence from those who ought not to impart it, might operate on the Stock Exchange with a certainty which others could not enjoy, as to the events which would take place. Again, nothing was so easy as for men of large capital to combine in their operations to their certain gain, but to the certain loss of other speculators. Suppose three capitalists on the one hand, and three on the other, wished to realize a million of money—what so easy as to employ six different brokers on either side—innocently, so far as the brokers were concerned—to operate so as to raise or depress the stocks? The parties could themselves sustain no loss, because they were dealing one with the other, but the man who went there to speculate in good faith could not fail to be led on to his destruction and ruin. Such gambling was so easy that if the restrictions upon it were removed an inducement would be held out to many persons, who now resisted the temptation, to embark on those speculations, which, if at first unsuccessful, at once produce ruin, and which, if temporarily profitable, only postponed the fatal period, by fostering a habit of gambling. It was on that account that the repetitions of such scenes as had lately alarmed the commercial world—the case of Mr. Pullinger, and others of the same sort—were so frequent. He was told that there was speculation in other descriptions of property produced by such operations besides the funds, but was that any argument for removing the penalties upon gambling? Would the Government, because they found gambling transactions in existence, be prepared to legalize them? So far from equalizing the market, an effect which had been ascribed to these speculations, they had a most ruinous effect upon trade. A recent case had occurred in which a certain firm having entered into time-bargains to an enormous extent for tallow, found it worth their while to buy up all the tallow in St. Petersburg, in order to keep up the price, but the consequence was that the consumer was taxed with an unnecessarily high price, to satisfy the speculations of one house. In India some years ago, an influential firm employed agents all over the country to bargain for opium, with a view to raise the price, while the firm itself ostensibly was working for a fall in the market, and by those speculations stood to win a million and a half of money. That was no imaginary transaction, for the circumstances of the case were investigated by the Courts of India, and afterwards became the subject of judicial decision in the Privy Council. Were not such cases as those likely to be most destructive to the morality of a people, and was not their immediate effect most injurious upon persons legitimately engaged in trade? The Government of India, in consequence passed a Bill to prohibit all wagering and gambling contracts. He trusted the House, with these examples before them, would not consent to encourage these gambling transactions. Again he would ask why, when year after year, every endeavour was made to put a stop to gaming-houses, the Government should now come forward, and, by a side wind, endeavour in order to obtain a revenue to legalize or remove a single restriction upon gambling? If the great gaming-house in Throgmorton Street were licensed, why should not other gaming-houses be licensed, too, if they applied for the privilege? Why should a penalty be continued against them, and why should not all restrictions be removed from lotteries or betting-houses? It was said that all transactions for the purchase of goods at a future day were of a gambling nature; but if those transactions were confined to legitimate bargains, and were based on the principle of supply and demand, they would be limited in their extent, and would not be productive of injurious results; but not so with gambling in the Funds. He contended, then, that no sufficient grounds were shown for removing any of the penalties and restrictions imposed upon gambling

Mr. Bovill

contracts by Sir John Barnard's Act. That Act declared all contracts by way of wagers and gaming to be void, a heavy penalty was imposed for making the wager, and an action for the return of the money was also authorized. The Government proposal would remove the penalty and the power of getting back the money, and simply render the transaction void. That was virtually to encourage gambling; and if they sanctioned it, would they not admit that those speculations were not looked upon by that House in so serious a light as formerly? He had endeavoured to ascertain, from time to time, upon what grounds the Government were resisting his proposal, and insisted upon extending the repeal to gambling transactions. The first suggestion was that Sir John Barnard's Act was an obsolete Act of former days, but that argument was at once removed by showing that in 1845 the Legislature had not treated it as obsolete, but had passed an Act to extend its provisions. The next ground taken up was that the Act was not efficient; but it was a strange way of increasing its efficiency to remove two of its most important restrictions. But did the right hon. Gentleman mean to say that if no Act existed these transactions would not increase. He (Mr. Bovill) thought on the contrary that the effect of the provisions making the broker liable to a penalty, besides refunding the money, had a tendency to render him extremely cautious as to the persons with whom he transacted that species of business, and to limit greatly the number of persons who embarked in those gambling speculations. If only six tradesmen in the course of a year were prevented by these restrictions from entering upon that wild course, they ought certainly to be retained by the Legislature. Why was it that the Stock Exchange gentlemen were so anxious for the repeal of this clause? Was it not because the Stock Exchange knew that if the restrictions were withdrawn, and the penalty removed, their transactions in gambling in the British funds would be extensively increased? Could it be said, that the penalties imposed upon gaming-houses did not prevent gambling to a great extent? But it was argued that so long as these contracts were declared illegal the persons who embarked in them had a temptation held out to them to act dishonestly. But then, if that were so, what would they do with the Act of Parliament of 1845, which declared them illegal, and which it was not proposed to touch? Was it not to encourage dishonesty to tax the contracts, while they were declared null and void by the Act of 1845? There was only one argument more. The Solicitor General had said that the object of the Government was to make the law uniform, and to put an end to an Act which imposed a penalty only on one description of transactions. But if the question were to be dealt with as a whole, let the Government bring in a Bill to deal with all wagering and gambling transactions whatever. If Sir John Barnard's Act did not apply to transactions in the foreign funds or in railway shares, let the penalties be extended to those cases also. This, however, they did not pretend to do, and therefore to talk about making the law uniform was a mere afterthought. He offered his Bill as one that would legalize every *bonâ fide* transaction in the way of contract and sale, and if it was asked how they could ascertain when a transaction was *bonâ fide*, his answer was that juries would decide that just as they decided other questions of a similar kind. There would be no difficulty whatever about the matter, for an examination of the broker's books would at once show whether any transaction in which he had been engaged was a real or a gambling transaction. His object was to legalize honest dealing and to discourage acts of gambling, and in that spirit he moved the second reading of the Bill.

Motion made, and Question proposed—"That the Bill be now read a second time."

MR. COLLIER said, it had been often asked of late who was Sir John Barnard? He was a citizen of London, and a Metropolitan Member who, 130 years ago, persuaded the House of Commons to pass a very foolish Act of Parliament—an Act that had never met with much favour on either side of Westminster Hall—an Act to which the Judges gave but little effect; and an Act that had been virtually repealed by common sense and the common practice of mankind. Sir John Barnard's views were, that it was necessary, in order to ensure our commercial morality, that men should be prevented from bargaining for that which at the time of the bargain they had not got. The fallacy of his views was pointed out 130 years ago, when it was predicted by many eminent lawyers then in the House that if it passed it would prove in its operations most injurious to

trade, and one Member at the time said that it ought to be entitled "A Bill for destroying the commercial credit of the country." If all the evils prophesied in respect of this Act had not arisen, it was because it had been treated as a dead-letter, and men had gone on bargaining and trafficking as if the Act had never passed. He was only surprised such a Bill as that introduced by the Government had not been proposed before. Now, however, there were two Bills before the House. In one the Chancellor of the Exchequer proposed to repeal entirely Sir J. Barnard's Act; and by the other, which the hon. and learned Member for Guildford had introduced, and in regard to which he appeared to have stolen a march on Government in the nature of a time bargain, it was proposed to repeal a certain portion only, and to retain another portion of Sir John Barnard's Act. His hon. and learned Friend appeared to have changed his opinion lately with reference to Sir John Barnard's Act. A short time since the hon. and learned Member considered it the perfection of wisdom; but, having discovered his mistake, he wished now to repeal a portion of it only. He (Mr. Collier) considered the simple mode of dealing with this subject was to adopt the Bill of the Chancellor of the Exchequer and repeal Sir J. Barnard's Act. If that Act were good as applied to time-bargains in funds, it would also be good for railway shares, stock, and every description of mercantile contract. His hon. and learned Friend, however, shrank from such an absurdity. A few years ago an Act had been passed which, by a recent decision of the Courts, applied to every transaction in the nature of a bet. It was quite enough to say that all gaming transactions were illegal, and then Sir J. Barnard's Act was unnecessary. He therefore submitted that the Bill of his hon. and learned Friend was useless and mischievous. To use a homely expression, borrowed from the hon. Member for Birmingham, it made "two bites of a cherry"—it repealed a part instead of a whole—while it was desirable to repeal Sir J. Barnard's Act entirely, and at once, and have done with it.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. MALINS said, he should support the Amendment. The measure of the Chancellor of the Exchequer to repeal Sir John Barnard's Act, and leave all trading transactions of a gambling nature to be dealt with under the provisions of the general statute of the present reign, was plain and intelligible. But the partial repeal proposed by his learned Friend drew a distinction of which he was at a loss to understand the principle or advantage. He concurred in the view that if the Act was to have operation at all, it ought to be extended to all gambling transactions in trade. The man who sold Russian or French stock, or corn, or any other merchandise which did not belong to him, was quite as culpable as he who sold a quantity of Three per Cent Stock which was not in his possession. In his opinion, however, the Act was so defective, absurd, and inoperative, that the wisest course the House could take would be to get rid of it altogether.

MR. MELLOR said, he approved of the measure of the Chancellor of the Exchequer in preference to that of the hon. and learned Member for Guildford. Sir John Barnard's Act was known to have been brought in because Walpole had been suspected of stock-jobbing; but the Minister, with lofty disdain, allowed it to pass without notice, and against his own judgment. It was, moreover, based upon arguments wholly untenable in modern times, and as it had become a complete dead letter it should be repealed outright. No longer back than Lord Kenyon's time 200 actions were brought against parties for gambling transactions on the Stock Exchange; but all failed on account of the refusal of a broker called as a witness in the first case to make any disclosures. Since then there had been, he believed, no actions of the kind.

MR. BOVILL said, his Bill only imposed penalties upon what were universally admitted to be improper transactions, while in other cases it removed restrictions which interfered with business.

Question, "That the word 'now' stand part of the Question," put, and *negativ d.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

PAPER DUTY REPEAL BILL.—THIRD READING.

ADJOURNED DEBATE. SECOND NIGHT.

Order read for resuming Adjourned Debate on Question [24th April], "That the Bill be now read the third time."

Question again proposed.

Debate *resumed.*

SIR STAFFORD NORTHCOTE: Sir, I rise to move the Amendment of which I have given notice—

"That the present state of the Finances of the country renders it undesirable to proceed further with the repeal of the Excise Duty on Paper."

I feel I ought to explain my reason for putting this notice on the paper, instead of the usual Amendment that the Bill be read a third time this day six months. I have for some time been of opinion that there was no probability that this Bill could be proceeded with at present. I thought there was other business which must take precedence of it; and it was, therefore, with great surprise that I heard last evening the statement of the Chancellor of the Exchequer that it was intended to resume the debate to-night. Considering the bearing which the Estimates of the year have upon this question and that we have not yet had an opportunity of discussing them, I certainly did think that we should, before proceeding with this measure, have been allowed to make ourselves acquainted with the financial condition of the country, and to ascertain whether we are now in exactly the same position as when the Budget was brought forward. We have this year departed very widely from the ordinary routine of financial business, because usually some progress is made in the Estimates even before the Chancellor of the Exchequer makes his statement to the House. That course, no doubt, is sometimes departed from, but seldom, if ever, has there been a year in which such important business has been brought forward before any progress had been made in the Estimates; and it appears to me that this is not a year that should be chosen for deviating from the usual practice in such matters, because the financial measures of the Government are very important and the annual Estimates of a very peculiar character. The Budget was announced before a single Estimate was produced, and we were compelled, therefore, to take them upon the authority of my right hon. Friend. Since his statement, however, we have had a good many of the Estimates laid on the table, and, to my great surprise—I can hardly now believe I am not under some mistake—I find a considerable difference in one class between the statement of the Chancellor of the Exchequer and the statement which appears in the Estimates. I was unable to give earlier notice of my Motion because, until last night, I never thought this Bill would be brought forward before we had made some progress in those Estimates. With regard to the form of the Motion, it is not my wish to dispute the third reading. I do not intend to maintain that the paper duty is a good duty, nor do I in any way dispute the case which my right hon. Friend has made against it. But it appears to me that this is not the right time for repealing it, and in making this Motion I think I am acting in the spirit of the Resolution which was passed two years ago, and to which so much reference has been made as a reason for that repeal. I feel bound, however, to protest against its being considered that we are in any way bound by a Resolution passed in a former Parliament, and especially by a loose Resolution of the sort which was passed in 1858. It is not, indeed, pretended that we are practically and absolutely bound by it, but is said that the question is, to a certain extent, prejudged by that Resolution—the more so because it was adopted, after full deliberation, with the assent of the then responsible Ministers of the Crown and without a division. If we look, however, to the terms of that Resolution, and to what took place in the debate upon it, I think the case for the repeal of the paper duty in the present year is not at all strengthened. The right hon. Gentleman the President of the Board of Trade moved a Resolution of two parts, the first containing the abstract proposition that the paper duty was not a good permanent source of revenue, and the second declaring that measures ought to be taken to put an end to it. The then Chancellor of the Exchequer did not deny the first part of the Resolution, that it was not desirable to maintain the paper duty as a permanent source of revenue, but he demurred to the second part, that the House ought at an early period to abolish the duty, because he said other things ought first to be taken into consideration. The noble Lord the Member for the City of London also, while assenting to the general proposition that the tax was not a good one, used strong language as to other things which ought first to be done, and said that the faith of Parliament was almost pledged to make remission first of the war duties on tea and sugar. The present Home Secretary reminded the House that they were pledged on the first favourable opportunity to repeal the income tax, and

[*Second Night.*

he said he did not like the second part of the Resolution, because it interfered with the redemption of that pledge. The latter part of the Resolution was struck out, and it was generally understood that, although the abstract Resolution was adopted, it was not intended to give effect to it. It may not be a wise thing for the House to adopt an abstract Resolution of that sort; but when it is adopted with the express and distinct refusal to attach words which would give it a practical operation, I cannot find in it any argument that the House is pledged, much less that the Resolution pledges a Parliament which is not the same as that in which the Vote was taken, to any particular measure for giving effect to it. I think it, therefore, a most undesirable precedent for the Chancellor of the Exchequer to refer to an abstract Resolution as one which commits the House to a certain policy; and if abstract propositions are so taken up I think serious mischief may follow. Not denying that the repeal of the paper duty is a good thing if we can afford at, I say the present is not a good time to take such a step; and if it was not thought a good time in 1858, when the expenditure was £63,500,000, still less can it be a good time now, when the expenditure is £71,100,000. Although there may have been a reasonable probability in 1858 that we should have an opportunity at a future time of dispensing with the tax, the case is very different now, with a much larger expenditure and greater difficulty of meeting it. I admit that my objections to the repeal of this duty, are in the nature of objections to the whole financial scheme of the Government. One of the main objections is, that I think we are now sacrificing a large and important portion of indirect taxation without having previously settled the principles upon which the direct taxation to be substituted is to be placed. I do not wish to be understood as saying that I object to the substitution in a proper way of direct for indirect taxation. What I mean is this—that we ought to take very good care to make direct taxation as free as possible from objection, and to put it in such a shape that when we strike away indirect taxation we may be in a position to fall back on direct taxation, with the certainty that it will not fail us in consequence of the objections which it will engender. This is the point in which the scheme of the Government fails. It is very easy and pleasant to strike away indirect taxation, but is it prudent to do so when we have in its place only the income tax, which high authorities tell us is unsuitable as a permanent source of revenue, and when no one can assure us that it can in any way be altered or improved? The other objection which I have is, that for the purpose of change we are forestalling and using up all our resources, postponing burdens, calling in credits, and taking other temporary aids, and accumulating for next year a deficit, which, to say the least, is most undesirable. I think those two objections have become stronger since the financial statement than they were at that time. I will now venture to call the attention of the House to the discrepancy between the statement of the Chancellor of the Exchequer and the Estimates now laid on the table. My right hon. Friend estimated the charges for the current year—including the debt, the Consolidated Fund, the Army, Navy, Civil Service, and Revenue Estimates, together with a Vote of credit of £500,000 for the China expedition—at £70,100,000. The items for the debt, the Consolidated Fund, and the army and navy amounted to £57,400,000; the Vote of credit to £500,000; the Miscellaneous Estimates to £7,500,000; and the estimates for the collection of the revenue to £4,700,000. Those were the figures given by the Chancellor of the Exchequer in his statement, and to the estimates for the collection of the revenue I must request my right hon. Friend's particular attention, because he told us that they showed an apparent increase of £225,000, which would probably be to a great extent recovered by the superior yield of the Post Office amounting to £80,000. Since then the estimates for the collection of the revenue have been laid upon the table, and instead of £4,700,000 they amount to £4,932,432, showing therefore a difference of no less than £232,342. Considering that the estimated surplus was only £464,000, this makes a most serious difference in the calculations upon which the Budget was founded, because it at once does away with something like one-half of that surplus. I have looked at that once or twice, thinking that I must be mistaken, but on referring to the printed Report of my right hon. Friend's speech, I find that I have not misrepresented him in supposing that he took the amount at £4,700,000, and I am sure that I have taken that of the Estimates upon the table correctly at £4,932,432. Had we gone on with the discussion of

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these Estimates we might have received some explanation of this discrepancy, which would so far have mitigated the objection which I feel to this part of the financial scheme; but it is unreasonable to ask us to grant remissions of taxation before we know what our expenditure really is to be: and therefore I think I am justified in saying that, so far as we can judge, the financial state of the country does not admit of our proceeding with this measure at present. The Miscellaneous Estimates my right hon. Friend took at £7,500,000, including, I presume, the £100,000 which is usually taken for civil contingencies. As yet but six classes of these Estimates have been laid upon the table, but they amount to £6,644,328. Class 7, at the amount at which it stood last year, and the £100,000 for civil contingencies make up an item of £1,128,236, raising the amount of the Miscellaneous Estimates to £7,772,564, which would be an excess over the estimate of the right hon. Gentleman of £272,564. Now, I am aware that there will be a reduction in the amount of Class 7; but is it reasonable to suppose that you can obtain a diminution of no less than £270,000 upon a single class of estimates, the total amount under which is only £988,000? I do not say that it may not be done, but it would have been more satisfactory that we should have had these estimates fully before the House, in order that we might see whether it was a real saving or only a postponement of Votes which will come upon us in a future year. I know that my right hon. Friend is most anxious to reduce these Estimates, but except a reduction in Class 1, which I suppose is in the nature of a postponement of works, and in Class 4, a reduction of £22,000, which has been balanced by an increase of £20,000 in Class 3, he has been able to make no diminution. On the contrary, taking the estimates for the collection of the revenue together with the other classes, I find that there is an actual increase of no less than £85,000 in the present year. I know that I am apparently, in legal parlance, travelling out of the record, but it is a course which is forced upon me, because I cannot state my objections to the course which we are pursuing without pointing out in some detail the difficulty which I experience in going on with this legislation before I can ascertain what is the real state in which the Estimates will ultimately stand. I must also call attention to what has happened with regard to the Army Estimates. It is true that their amount is now pretty much that which my right hon. Friend stated. He said that the charge for the army and the militia would be about £15,300,000. I find that the Estimates upon the table amount to £14,842,000, which, taking the charge for the militia at £460,000, as last year, would give almost that amount. But a very remarkable operation has been performed upon these Estimates. After they had been laid upon the table and the number of men required had been stated at 143,000 and some odd hundreds, they were withdrawn upon the ground that the Governor General of India had sent home more troops than was expected, or something of that sort. They were withdrawn and revised, and in the revised Estimates I observe that the number of men, instead of being 143,000, is 145,000, the actual addition being about 1,900 men; but notwithstanding this there has been no increase of the Estimates. There has been an increase in some Votes, but that has been balanced by a decrease in others, and among these latter are the Votes for clothing, provisions, and warlike stores. Those who have objected to Votes for clothing and provisions after the number of men had been voted have often been told, and it is an argument which has been delivered *ex cathedrâ*, that they ought to have objected to the number of men, because after that has been passed the Votes for clothing and provisions follow as a matter of course. That to uninitiated persons seems an argument of great weight, and has, I know, closed the mouths of many persons who were disposed to raise objections; but it can never be used again, because in this instance, although the number of men has been increased, the Vote for clothing has decreased by £18,000, and that for provisions, including forage, by £2,700. The presumption which is raised by these facts is either that the Estimates were originally incorrectly or negligently framed, and the House was asked to vote an unnecessarily large amount, or that they have now been improperly reduced, and we shall at a future period be asked for a Supplementary Vote to supply deficiencies, as has occasionally been the case before. I have had the curiosity to look at the Supplementary Estimate of £1,050,000 which was voted last year, and I find that of that sum £290,000 was voted for clothing, and £350,000 for provisions, that is to say, the Estimates were insufficient under

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those two heads, under which so remarkable a reduction has now been made. I do not wish to question the accuracy of these Estimates. The circumstances which I have mentioned may be susceptible of a complete and satisfactory explanation, but we ought to have our minds set at rest upon these matters before we proceed with the financial scheme. If we abolish the paper duty, and the Government is afterwards obliged to ask for more money, there will be no means of raising it except by adding a penny to the income tax, or something of that sort, and therefore we ought to have an opportunity of going into these Estimates, and sifting them very carefully, before we agree to the abolition of that tax. These are not the only Votes upon which I would remark. In the item of warlike stores the revised Estimates show a reduction of not less than £80,000, which is a very curious feature, and lets us into something more. The original Estimate for warlike stores was £743,000, of which £250,000 was to be deducted for sums chargeable to the Indian Government. In the revised Estimates the Indian Government is charged, not with £250,000 but with £300,000, and the amount to be voted for miscellaneous stores is reduced from £743,000 to £713,000. Does this mean that India requires at one time one sum and another at another, or that the whole system of the accounts between the Indian Government and the Home Government is one incomprehensible labyrinth and maze, and that you may really make use of it as a matter of account to state things very much as you please? That is a matter on which I want information. We ought to have an account current between this Government and the Indian Government. I do not say anything is wrong, but all this is matter of inquiry. Of course we shall have that inquiry sooner or later; it cannot be prevented; but we should have it with much more profit to ourselves if we had not decided all our financial arrangements before we set about it. I might go into other details, but, in truth, I think I have stated quite enough to prove the case I was anxious to submit to the House that it is really necessary, before we proceed any further in the way of reducing taxation and throwing away for ever these duties on paper, that we should go into our Estimates and ascertain how the country really stands. I have not touched on other matters which are very important indeed, and on which I have in vain endeavoured to extract from Government some information. There is the Vote for fortifications for instance, which stands in the Estimates at £649,000. Do you, or do you not, mean to make any further proposal on that subject? I formerly asked that question, to which no reply was given. I repeated the inquiry, and the answer of the noble Lord was that a Commission had reported on the subject; their Report was under consideration, and when the Government had made up their minds what to do he would inform the House. But there the matter rests. I do not blame the Government for letting the matter rest there; but in the meantime they must not be surprised if rumour is busy spreading reports that they are going to have a large loan for this purpose. If the sum of £10,000,000 is to be borrowed, the interest of it will pretty nearly absorb the amount of the anticipated surplus. Perhaps you mean to deal with it in another way. Perhaps the loan is to be raised in Exchequer bonds, which are to be paid off from year to year; but if you are to spread the repayment of £10,000,000, or £5,000,000, or £6,000,000, over so many years, you will have a million a year or more to provide for that purpose, which might be got, perhaps, from the paper duty better than in any other way. Then, again, this fortification Vote is in a very anomalous state; there is this peculiarity about it, that no details whatever are given. In former years these details were always supplied; but here we have only the bare sum put down of £649,000. Under these circumstances, I think I am not making an unreasonable proposal when I ask the House to affirm my proposition. I wish inquiry; I call for no expression of opinion as to the policy or impolicy of repealing the paper duties, if the finances of the country were in a position to admit of their repeal. I do not wish to raise the question on the merits. All I say is, that you are not now in a position, financially speaking, to part with this important tax. I really do feel that this question of the Estimates and the expenditure, deserves much more consideration from the House than it has yet received; because the whole case of the Chancellor of the Exchequer seems to rest on the hope that in future years there will be a considerable reduction of our expenditure. It hangs very much on this, that he looks forward to a time when we shall not have to spend so large an amount on our military and naval

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establishments. I, too, hope with my right hon. Friend, that this may be so: but I do not see in these Estimates anything that leads me to believe that this anticipation is at all likely to be realized at an early period. A great many Gentlemen, therefore, who were disposed to accept the Chancellor of the Exchequer's proposals with confidence and joy, trusting to the reduction of expenditure, are very likely to change their opinions on this subject, and come more nearly to the views we on this side of the House have adopted, because, however anxious to concur in the reduction of expenditure, we have not seen our way to such reductions. When the Budget was brought forward, we were told that, in consequence of the measures proposed with regard to our commercial relations with France, and especially arising out of the new treaty, we should find ourselves in such relations with our neighbours over the water, that it would soon be unnecessary to maintain these great warlike establishments; and that, on the other hand, the prosperity of the country would increase so much, owing to the growth of our trade with France, that the elasticity of our resources would soon recover, notwithstanding the reductions which had been made. I ventured to doubt that proposition at the time. But I must say that, looking at what has since taken place, looking at the state of feeling which has been engendered, the sort of distrust, I will not say that has sprung up, but which has increased from time to time as to the position and conduct of the Emperor of France—looking, at the same time, to the dissatisfaction entertained by many of our merchants and manufacturers at the arrangements which have been made—the extension of trade and the prosperity which were promised us, are not altogether so sure as we were led to expect. And the expectation of prosperity from that treaty has been, I will not say destroyed, but very much weakened. Having thus stated the object I have in view, I would just say one word as to the example and precedent set by Sir Robert Peel, so frequently referred to. When Sir Robert Peel put on the income tax it was because our system of indirect taxation was then in a very unsatisfactory condition, it was necessary to effect a reform in that system of indirect taxation, and he put on an income tax for a time to cover the experiment on indirect taxation. Now, we cannot say that our indirect taxation is in the same unsatisfactory state as in 1842; but, on the other hand, it is now our direct taxation which is in a state which requires the most careful and attentive consideration, the most tender and delicate treatment; because, if you are to improve and render it permanent, you will require time both to mature your plans and to bring them into operation. I therefore urge you, if you really wish to follow the example of Sir Robert Peel, to take the converse of his course, and keep your indirect taxation so as to enable you cautiously to put your direct taxation on a sound basis. When my right hon. Friend opposite imposed the succession duty, he had indirect taxes to fall back upon while waiting the result of his experiment. Next year we shall have to grapple seriously with the income tax, to see what can be made of it; whether it can be altered, or made more palatable, or whether it can be replaced by any other system or collection of taxes, direct or indirect. That will be a matter of time and patience; probably it will take years to bring about; and if my own wish could prevail, I should be glad to see this paper duty maintained until we have brought our direct taxes into such a state, that we can repeal it, as Sir Robert Peel proposed to deal with the income tax, when the indirect taxes had sufficiently recovered. But that is not what I ask now. All I ask at present is, that, looking to our present condition and our prospect for the next year, the House, without pronouncing any opinion condemnatory of its principle, will refuse its assent to the Bill for the present.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question in order to add the words 'the present state of the Finances of the Country renders it undesirable to proceed further with the repeal of the Excise Duty on Paper,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MILNER GIBSON: Sir, until the close of the hon. Gentleman's speech, I was at a loss to understand precisely what his object was, and what he wishes the House to do. But if I correctly apprehend what he seeks, it is that we are not to maintain the paper duty as a permanent source of taxation, but that we are to hold it, as it were, in suspense until certain operations have been performed upon the income tax, or upon some other portions of our direc-

taxation, in order to make them satisfactory to the taxpayers of the country. I would really submit that that is not a practical proposition to put to the House. I can understand an hon. Member saying, "I decline to repeal a particular tax." I can understand an hon. Member saying, "I will vote for the repeal of such a tax." but I do not understand the course which the hon. Gentleman has taken, namely, that we are to hold this tax under a sort of sentence of death—and to keep the great industries of the country affected by it constantly under the impression that it may at any moment be repealed. If there be one course more objectionable than another it is to condemn a tax, and avow your intention of soon repealing it, and when the opportunity presents itself of carrying out the views you have expressed, to refuse to avail yourselves of it. The hon. Member has not correctly represented what passed upon the occasion some two years ago, when the Resolution was passed to which he was a party.

SIR STAFFORD NORTHCOTE: I was not in the House at the time.

MR. MILNER GIBSON: The hon. Baronet was a Member of the Government, and must have concurred in the course taken.

SIR STAFFORD NORTHCOTE: I do not think I was in the country at the time. I certainly was neither in the House nor a Member of the Government.

MR. MILNER GIBSON: Then I was mistaken in considering him a party to it; but I do not know that the point is at all material to the argument. The hon. Gentleman has not, however, correctly represented what then took place. A Resolution was moved to the effect that the paper duty ought not to be maintained as a permanent source of revenue. A second Resolution was proposed to the effect that measures ought to be taken to enable Parliament to dispense with the duty. The then Chancellor of the Exchequer—the right hon. Gentleman opposite—objected to the second Resolution, that is, to taking immediate measures for the repeal of the tax, but consented to the Resolution which condemned the tax as a permanent source of revenue. The House unanimously supported the Government in the view they took. The right hon. Gentleman said then not what the hon. Member for Stamford has related, but this—that although he was not prepared to say that the tax should be immediately repealed, he was prepared to say that it ought to be taken into early consideration. Well, Sir, what is early consideration? Two years have elapsed since that period; and it has been well explained by my right hon. Friend the Chancellor of the Exchequer that 1860 is a remarkable year, for in this year a large sum falls in from the annuities; and it has been repeatedly stated that an opportunity ought to be taken this year to give some relief from indirect taxation by the repeal of the war duties on tea or sugar or something of that kind. Why has not such a measure been proposed? [*Cries of* "Oh, oh!" *from the Opposition.*] Then you differ from the hon. Member for Stamford, for he came forward in behalf of revenue; but I understand those cheers to be, not on behalf of revenue, but on behalf of a proposal for substituting the repeal of the duty on sugar or on tea for that of the duty on paper. I really do not think this is an opportunity for raising a question of that kind—upon the third reading of the Paper Duty Bill. If you preferred a repeal of the duty on sugar or on tea, I respectfully submit that this is not the occasion when such a proposition should be addressed to the House. How do we stand? A Bill is brought forward for the repeal of the paper duty. It is read a second time in the House, after full debate, and after ample notice. The Bill passed through Committee without any material opposition. The drawbacks to be allowed to the various persons affected by the repeal of the tax are settled and arranged; and contrary, I maintain, to all precedent—after such a course as this has been taken by the House of Commons the hon. Member for Stamford comes down and asks us not to agree to the third reading of the Bill, but to hold the question in suspense; and the cheers of his friends announce to us that they now want to abandon the paper duty repeal and to substitute the repeal of the war duty on sugar. ["No, no!"] Then what am I to understand? My hon. Friend is very anxious about the Army Estimates. He says he does not understand the Clothing Vote and the Provision Vote. Well, I cannot explain them to him. I am not bound to explain them to him; but I am bound to believe that what the War Department informs the Government is the necessary vote has been considered by them. It is not for me to presume to enter into an argument with the War Department as to whether the exact sum is sufficient which has been asked for the provisions and the clothing of the

army. Nor is it for me to go into the point of the expense of the collection of the public revenue, which is a Vote never taken, as I am informed, till the end of July; and therefore it will be absolutely necessary to deal with those financial measures—if you deal with them at all during the Session of Parliament—before that time. I am also surprised at the hon. Member for Stamford telling us he expected that this Bill would not be proceeded with, and that that was the reason he did not give longer notice of his Motion. Why should he expect that the Bill would not be proceeded with? This is an adjourned debate. The third reading of the Bill was moved ten days ago, and the objection then taken was not the objection we have heard to-night, but simply that it was too late in the night to proceed then with the third reading. We heard nothing then about the provisions and clothing Votes of the Army Estimates, or about the expense of collecting the public revenues. I ask the House whether it is fair to deal with a question of this magnitude in the spirit in which it is now proposed to deal with it? I ask you is there no consideration due to the important industry which is affected by the tax? Can you say that it is nothing to keep an industry, employing perhaps, considering all the subsidiary trades, some ten millions of capital, in a perpetual state of suspense as to whether this tax is to be repealed or not? I believe many contracts have already been entered into, in the full belief that the House of Commons would not retrace its steps in a tax repealing Bill; and that after the Bill had been read a second time, after full and ample discussion had taken place, and a division had followed, there was a complete conviction throughout the country that the measure would be carried into law. But if we now hang it up, if we hold it in suspense until the hon. Member for Stamford has settled the principles of his direct taxation, and has made himself thoroughly acquainted with a variety of minute details in the Estimates which at present he does not understand, I say we shall not be acting according to precedent, we shall not be acting with justice to the great industry and the great capital which are employed in the paper-making trade of the country, and we shall be striking at the root of that confidence which has hitherto always been reposed in the first decided step of the House of Commons upon questions affecting taxation. Now, Sir, we have heard a great deal of anxiety expressed about the public revenue. Nothing but a desire to take care that we do not part with too much of our income has actuated the hon. Member for Stamford in proposing his Motion to the House. But I want to know whether that desire is shared in by the right hon. Gentleman, the Member for Droitwich, because he voted the other night for the Bill for repealing or at least materially reducing the duty on fire insurances? Where was the right hon. Gentleman the Member for Buckinghamshire on that occasion? He may indeed have paired, but certainly if there was that excessive anxiety about our parting with income and creating a deficiency, for some future year, I think it certainly was remarkable that he should not have been in his place to protest against a course which would be so dangerous to the revenue of 1861. But let me recal to the recollection of the House the position in which we stand in regard to this Bill. Upon the second reading, the whole question was raised in connection with the income tax, upon the Motion of the hon. Baronet the Member for Somersetshire, (Sir W. Miles) declaring that, as the repeal of the paper duty would necessitate an addition of 1*d.* in the pound to the income tax, it was inexpedient to proceed with it at that time. The hon. Member for Stamford voted for that Resolution; he voted against the repeal of the paper duty, because it would necessitate an addition to the income tax. But the House overruled that proposition by a decisive majority, and the penny was added to the income tax—and now you turn round, and you say, contrary to the spirit of that Resolution, that, having got the income tax, you will not give us the repeal of the paper duty. I say it is a very strange and inconsistent course of proceeding to connect the penny addition to the income tax with the paper duty, and then, when the House has decided to have the additional penny and not the paper duty, to turn round and say, "We will have the 10*d.* income tax and the paper duty into the bargain." The speech of the hon. Member for Stamford is an attack upon the whole principle of the Budget of the Government. It in fact takes the finances of the country out of the hands of the Government, and lays down a totally new scheme, utterly at variance with the principles which the Chancellor of the Exchequer submitted to

the House. After the speeches which were made when the Budget was submitted to the House, there can be no doubt that one of the leading features of the Budget was that there should be in the present year a certain amount of remission of indirect taxation, for the benefit of the trade and industry of the country, and that the expenditure of the country should be provided by the requisite augmentation of the income tax and the imposition of other duties for the purpose. That, in fact, was the principle of the Budget, and if you now say you will strike out so great and material a feature of the whole financial scheme as the Member for Stamford proposes, I am of opinion that you are attacking the very principle of the financial measures of the Government. But I want to ask the hon. Member for Stamford if he succeeds in maintaining the paper duty, what he will do with the law on the subject? Are the opinions of the Commissioners of Inland Revenue to go for nothing? Is their deliberate report to be ignored—the report made to this House that this tax is no longer tenable, in justice to the parties affected, without legislation? The Commissioners of Inland Revenue, of their own free will, presented a report, in which they stated that it was necessary to change the mode of levying this tax, if it was to be maintained as a source of revenue. I ask hon. Gentlemen then if they are prepared to legislate upon the subject of the paper duty, and to make its application one that can be carried out with justice to the different interests affected? I cannot imagine that they can be averse to take that course, but I do most emphatically protest against a course of uncertainty, and of doubt. If you mean to maintain this duty upon paper, say so boldly, and apply it to those cases to which it ought to be applied, and which are now exempt; carry out your tax equally and justly to every branch of those industries which ought to bear it, being in competition with each other; but do not by your halting course leave all those anomalies and injustice without remedy, and expose the trade and industry of the country to a system of vexation and injustice, which, I venture to say, in the whole history of our Parliamentary proceedings, is entirely without precedent. I, for one, deny altogether that the question of the repeal of the paper duty stands upon mere financial grounds. It has never been advocated by those who have agitated for its repeal, simply as a question of a pecuniary burden. The repeal of the paper duty has been advocated upon high moral grounds, and the right hon. Gentleman the Member for Buckinghamshire has himself told us most emphatically, that his reason for wishing for the repeal of the paper duty was not to get rid of this pecuniary burthen when opportunity offered; but that he advocated its repeal for moral, literary, and educational considerations. Now, those are high grounds, and I say the financial view of this question is insignificant, as compared with the moral and educational view that may be entertained in reference to its bearing upon the diffusion of knowledge in this country. I hope, Sir, this House will not be induced to retrace its steps upon this important question. I believe sincerely that no measure is more thoroughly consistent with the policy of the age in which we live, than a measure for untaxing the press and the cheap literature of this country. You are voting large sums annually for the education of the people of this country. You are beset with all kinds of difficulties of a religious character in the endeavour to diffuse knowledge amongst the people. I say, then, do what in you lies, at least, to allow the people to educate themselves by taking from the books that must be the instruments for conveying knowledge—take from them the exciseman's hands and these fiscal burthens, which, most undoubtedly, do operate most materially to deteriorate the quality of your cheap literature, and to prevent the diffusion of knowledge amongst the great body of the people. You have in your Reform debates complained of the ignorance of the masses of the people, and their unfitness to exercise the franchise from their inability to form a right judgment in regard to political matters. I say you can take no course more logical or more direct towards spreading information among the people, than by repealing a tax of this description, which most undoubtedly presses most heavily upon that very literature which is to circulate amongst the masses of the people, and which is to diffuse the knowledge that you desire should be spread through the country. Sir, I will not discuss the merits of this great question; but I protest against its being placed simply upon financial grounds. But, putting it upon financial grounds, I say that the hon. Member for Stamford (Sir Stafford Northcote) has made out no case why we should retrace our steps or why

we should upset the financial measures of the Government. He calls upon us to admit that when the measures of the Government were introduced we committed a great and grievous error. ["Hear!"] Yes, but we cannot admit that. Neither, after the divisions that have recently taken place, do I believe the House of Commons will admit it. Nothing has transpired since those measures were brought forward to induce us to adopt a total change in our policy. I entreat hon. Gentlemen, then, on all sides to support this Bill. For myself I take an interest in it far beyond any ordinary party question, and although I should regret to see any one of the excellent financial measures of the Government interfered with, I should doubly deplore the rejection of this particular Bill, because I believe it contains within itself the germs of great moral benefit to the great mass of the community.

Mr. BALL said, that having last year deemed the question of the abolition of the paper duty a proper one to be taken into consideration by the House, he had hoped that the right hon. Gentleman would that night have advanced some reasons why he (Mr. Ball) should continue to hold views which, he owned, the information he had since been able to obtain had tended very much to shake. The right hon. Gentleman had stated that to keep the question longer in abeyance would lead to discontent and put the paper trade in jeopardy. He (Mr. Ball) had made extensive inquiries of persons whose authority was entitled to the highest trust; and he affirmed that he had not met with a single individual interested in the paper trade who had not declared that if the proposal of the Government were agreed to it would entail almost certain ruin upon all who were engaged in the trade. It was most unfortunate, perhaps, but upon every part of the subject that the right hon. Gentleman had opened to-night he seemed to be totally in error, and his statements to be contrary to the facts. The right hon. Gentleman stated that there were ten millions of capital employed in the trade.

Mr. MILNER GIBSON explained, that he merely spoke upon speculation.

Mr. BALL: Then the right hon. Gentleman, considering the position which he occupied, ought not to have indulged in such speculations. He ought to have been careful how he put forth assertions which he could not sustain, presuming them to be disputed in that House.

Mr. MILNER GIBSON said, he had stated that it was probable ten millions of capital was engaged in the manufacture of paper in this country, and the subsidiary trades with which it was connected.

Mr. BALL: The right hon. Gentleman would excuse him for contradicting him; but it was not probable that £10,000,000 were so employed, seeing that the returns for the whole quantity of paper made gave about £6,000,000 a year. But be that as it might, it was only fair to argue that in proportion to the extent of the interest with which the House was called upon to deal did it behove them seriously to consider the results which might flow from the mode in which they were asked to legislate. The right hon. Gentleman stated that the revenue derived from paper last year was about £1,400,000, but last year's revenue surpassed the ordinary amount contributed from that source. It would be fairer to take it at £1,200,000. Was it right, however, to interfere even with that sum when the deficiency could not be supplied without the imposition of an extra penny as income tax? He contended that it was most unjust, and that the tax of a penny would take more out of the poor clerk's pocket than the value of all the paper he consumed in the course of a year. But there was another objection to the repeal of the paper duty. He had been told by persons conversant with the subject, that that repeal would tend to do material injury not only to the manufacturers themselves, but to those whom they employed. The right hon. Gentleman had not, however, informed the House to what extent he thought the operation of the Bill would be to diminish the number of those who earned their livelihood in that way. He might add that the materials from which paper was made were from 40 to 50 per cent cheaper on the Continent than in England; and it was only the extra 1*d.* per pound, between the 1½*d.* excise duty on English and the 2½*d.* customs duty on foreign paper that had hitherto enabled the English maker to compete with the foreigner. He asked, then, would it not have been wiser for the Government, when negotiating the Treaty with France, to have said—"We are giving you a great boon; you must grant us an equivalent. What is free trade for England should be free trade for France; and in framing a treaty which is designed to blend together in closer harmony and friendship these two great nations, we must have that treaty

based upon principles of equity and justice; and you must allow the free exportation of rags." Moreover, the Government had not fairly considered what they owed to the poorer classes of the country. Surely it was their duty, in the first place, to have considered how our own poor were to be employed and maintained, and contentment promoted amongst them. It was all very well to say that by advancing a portion of the people to the possession of the legislative influence they would be gratified and pleased; but as soon as their bread was taken from their mouths they would inevitably show that no mere right to vote for the election of Members of this House would, in their view, be equivalent to that of which they and their families were deprived.

Mr. PULLER said, the questions of the Excise duty and the Customs' duty on paper were quite distinct. Two years ago the House condemned the paper duty as a permanent source of revenue, and as the House during the present Session undertook to review the finances of the country, it was bound to abolish the Excise duty; and if the abolition of the duty caused a deficiency in the national income, that deficiency ought to be made up, either by a loan or by such a proposition as that of the Chancellor of the Exchequer, that a penny should be added to the income tax. The real question raised by the hon. Baronet was merely whether since the second reading of the Bill any new circumstances had arisen which ought to induce them to reconsider their decision and retain the duty? That entirely depended upon whether they had confidence in the estimate which Her Majesty's Government had formed of the expenditure of the current year. Those who believed that the sums which Her Majesty's Government had asked for would be sufficient to meet the exigencies of the public service had no alternative but to vote for the third reading. The hon. Member for Cambridgeshire (Mr. Ball) had raised another and an altogether different question—a question well worthy of attention, but not one that they could then properly discuss, namely, the effect which the abolition of the Customs' duty would have upon the British manufacturers of paper and those whom they employed? The hon. Gentleman would see that no possible injury could accrue to the British manufacturer from the remission of the Excise duty, the mischief could obviously only arise from the abolition of the protective duty of a penny a pound now levied upon foreign paper. But the House had already affirmed the commercial treaty with France, by which this country bound itself not to place on any French article on which an Excise duty was charged a Customs duty higher than that excise. It followed, therefore, that if the paper duty of $1\frac{1}{2}d.$ per lb. was maintained, they would be obliged to reduce the Customs duty from $2\frac{1}{2}d.$ to $1\frac{1}{2}d.$ per lb. He trusted that the House would agree to abolish the Excise duty altogether, and then, as the article of paper would drop from the Treaty, the House would be free hereafter to impose a protective duty of a penny, which he hoped would never be given up, unless, indeed, the Government were able to obtain from France a perfectly free trade in rags.

Sir MINTO FARQUHAR said, that the question for the House was, whether that was the proper time for the remission of the paper duty. A great deal was said about the Resolution by which the House of Commons had pledged themselves to abolish the paper duty as a source of revenue; but the Resolution did not pledge them to take it off until the Treasury was in a position to spare it. He confessed he was surprised at the course the Government had taken on that occasion, when he found what were the opinions expressed by hon. Gentlemen opposite in the discussion on the hon. Member for Ashton's (Mr. M. Gibson's) Resolution in 1858. In that debate the hon. Member for Birmingham (Mr. Bright) said—

> "He believed the object of his right hon. Friend in bringing forward this Resolution was merely to put on the records of the House the opinions of hon. Members on both sides, so that, whenever the condition of the Treasury should be such as to permit the Chancellor of the Exchequer to consent to the abolition of this tax, the right hon. Gentleman would select it as the very first for remission, and so get rid of it."

What said the right hon. Member for Bucks (Mr. Disraeli) on the same occasion? This,

> "He objected to the Motion as first proposed by the hon. Gentleman. He agreed with him that the maintenance of the Excise on paper as a permanent source of revenue would be impolitic, but could not agree with him that such financial arrangements ought to be made as to enable Parliament to dispense with the tax."

The right hon. Baronet the Home Secretary, who certainly had given the hon. Gentleman no encouragement, said—

> "That, when they knew that they had a surplus revenue and the means of diminishing the

taxation of the country, then was the proper time to consider what, under existing circumstances, were the taxes which had the first claim to reduction."

These declarations formed one of the grounds of the surprise of the country at the determination of right hon. Gentlemen opposite to seize the present occasion to repeal this tax. He would only quote one more authority, the noble Lord the Member for the City of London—he said distinctly—

"The House would recollect that last year the then Chancellor of the Exchequer proposed that the income tax should be kept up at 7*d.* in the pound, and that instead of 1*s.* 3*d.* the duty on tea would be 1*s.* 5*d.*, and that there should be a proportionate increase in the duty on sugar. This year they had allowed the income tax to fall from 7*d.* to 5*d.* in the pound, but they had kept up the duty on tea at 1*s.* 5*d.*, and also retained the proportionate increase in the duty on sugar. It was therefore almost a matter of good faith when next there was a reduction in taxation, that the duties on tea and sugar should be reduced, which were in fact war duties, and there could be no greater claim for reduction of taxation than in those articles of consumption which entered so largely into the comforts of the people."

Was this, then, the proper time for taking off the paper duty, when there was not only a deficit, but when that deficit was being increased by his right hon. Friend the Chancellor of the Exchequer, and when, too, he was reimposing the duties on tea and sugar, and was not only maintaining, but increasing the income tax? The fact was that the Chancellor of the Exchequer ought to rejoice if the Bill were rejected, as its rejection would leave him in possession of funds which he could not afford to lose; and as the income tax had been imposed, should the paper duty be retained, he could only congratulate the right hon. Gentleman on having that amount to meet any difficulties that might arise. The right hon. Gentleman the Member for Ashton expressed his surprise that they should object to the Bill on the third reading. Surely he had been long enough in the House to know that they had a right to dispute a measure at every stage, on the first and second reading, on going into Committee, and on the third reading. Since the period when the Budget and the Commercial Treaty were brought forward, the feeling of the country had materially changed. The people had seen that there was not the desire supposed to exist, on the part of a neighbouring country, to meet the free-trade proposals of the Government. Under these circumstances, it might be fairly argued that the House ought not to press the passing of the Bill. The right hon. Member for Buckinghamshire had been taunted, he thought unfairly, in relation to the question of fire insurance, for having stated last year as a Minister of the Crown the course which he felt it his duty to adopt with regard to it. He himself was in favour of a reduction of that duty, but he had not voted on the question either last year or during the present Session, as he did not wish his motives to be misinterpreted. He was extremely glad the hon. Member for Stamford had brought forward the question, and he hoped the House would declare its opinion that it was unwise to sacrifice revenue amounting to £1,300,000 when a great deficiency existed in the present year, and it had been shown that the deficit for next could not be less than £12,000,000.

LORD HARRY VANE said, he differed in opinion from the hon. Member who had last addressed the House, and who, he thought, had somewhat wandered from the issue before the House—namely, that without further financial explanations from the Government, it would be imprudent on the part of the House to assent to the third reading of the Bill. The principle of the Bill had been decided on on the second reading, and consequently they were not then in a position to dispute the propriety of repealing a tax that the House had already declared ought not to form a permanent source of revenue. The point raised by the hon. Baronet, the Member for Stamford, and upon which he trusted the Chancellor of the Exchequer would afford some information was, that inasmuch as the House would probably be called on to adopt larger Estimates than were at first contemplated, and as the last of these Estimates had not yet been presented, it was desirable, before so large an amount of revenue was parted with, that the House should be in a position to arrive at a just conclusion. In this view he entirely concurred; and though it might be said that the increased amount of the Estimates would not absorb the entire of the available surplus, there were other questions looming in the future, as to which they ought to have some information. It was stated, for instance, that the Government intended to propose certain plans of fortification: and it would be well that the House should be in possession of the fact, before coming to any definite Resolution, involving such an extensive sacrifice of revenue as they were

now asked to make. He differed from those who thought that an income tax ought not now to be imposed, with a view of removing other kinds of taxation, for the principle had been already adopted. The sole question was, whether sufficient provision had been made for the additional expenses to be incurred. He did not find fault with the Government for not having produced these additional estimates; for, in the position in which they found themselves at the opening of the Session, they had no choice as to the manner in which they should introduce the financial details; and he believed it was customary for Chancellors of the Exchequer to bring in towards the close of the Session a supplementary estimate, embracing all additional and miscellaneous charges. He differed from the hon. Member for Hertfordshire (Mr. Puller), who thought that the Excise and Customs' duties were not intimately connected; on the contrary, they were so intimately related, that he could not conceive how any hon. Member could vote with respect to the one, without anticipating that he would be called on to vote in similar sense on the other. And, therefore, he thought himself justified in assuming that the decision that night would virtually decide the question on Monday, as all who now supported the Government would vote against him on the future occasion. He was not surprised that the right hon. Member for Ashton-under-Lyne (Mr. M. Gibson) should take credit to himself for having brought the question to an issue; for it was he who, by an argument of great ability, induced the House, two years ago, to agree to the Resolution which had placed the paper duty in its present anomalous position. But that position had existed ever since; and he did not see that any great injury would result from the postponement of its final decision till next year; the House, in so doing, would be acting in strict accordance with the principle which had guided them since that Resolution was passed. The capital of £10,000,000, alleged to be vested in the manufacture of paper, would remain in exactly the same position it had occupied during that interval. He could see a clear distinction between the reduction of Customs' duties, and the present case. In the former, the House proceeded by way of Resolution, and pledged itself to take off or reduce certain charges; but with respect to duty imposed in accordance with an Act of Parliament, its repeal was not accomplished until all the successive stages had been gone through; and nobody had a right to complain, if in any of these the Bill for effecting that object was defeated. He by no means contemplated the permanent retention of the paper duty, against which many reasons could be assigned, especially its harsh operation in the case of literary men, and of certain commercial interests; but he believed the injury which it entailed was very much exaggerated. There was no tax which was absolutely free from objection; and in every instance it was a question of comparison as to the least objectionable mode by which the Exchequer could be supplied. In support of the paper duty, it might be urged that it was of long standing, having existed ever since the time of Queen Anne, and that interests had grown up under it and become accustomed to it; while duties more recently imposed had interfered with existing interests, and ran more directly counter to the ideas and habits of the people. Unless, therefore, some fuller explanation were afforded than had yet been given, and unless fears, which were not unreasonably entertained, were more satisfactorily allayed than had hitherto been the case, it would be an act of imprudence in the House to part at such a moment with so large a portion of the revenue.

Mr. ELLICE (Coventry): Sir, I wish to explain to the House in a few words why most reluctantly I shall feel obliged to vote against the third reading of this Bill. I do not come to that determination on any of the narrow grounds I have heard stated since I came into the House, but upon the general view I take of the resources and revenue of the country, which I think are placed in considerable jeopardy by my right hon. Friend's Budget for this year. In the few remarks I made at the beginning of these discussions I described the Budget as being in my opinion an ambitious Budget, and the experience I have acquired of it since only confirms that opinion. I have sat in this House the greater part of half a century, during which time I have paid some attention to the financial condition of the country, and this is the first instance within my recollection when a Chancellor of the Exchequer has come down asking us to repeal certain taxes connected with the permanent revenue of the country, at the same time admitting that he leaves a deficiency, to be supplied by new taxes in the ensuing year, of somewhere about £10,000,000 or

£12,000,000. I do not know that any Gentleman in this House can furnish a similar precedent. It is a course full of danger, and it is full of inconvenience; for at the beginning of the next Session we shall be launched into exactly the same discussions which now prevent us from proceeding with the ordinary business of the nation. If it should turn out that some of the great measures of this Session do not succeed or are not carried we must recommence our discussions upon them in the beginning of another Session, and at the same time we shall have to provide the means, which will be then very much more disputed than now, of supplying the deficiency of £10,000,000 or £12,000,000. Again, we have no security that the sums asked from us on account of the Estimates constitute the whole expenditure which we shall be called upon to provide for the service of the year. I have the greatest misgivings with respect to the Vote for the China expedition. As to that item, we must be guided not only by the actual Estimates before us, but by what our own judgment suggests as to the probable expenditure we may be called on to face. With respect to the tax which we are now discussing, I have not a word to say in its defence. It is about as odious a tax as one can well imagine. It is not only a tax which interferes, as all Excise taxes do, with an important branch of manufacture —being almost the only tax of that description now left in our fiscal system— but it also impedes the circulation of information and of knowledge. Upon all these grounds no man is more disposed to repeal this tax, whenever we can do so without robbing the Exchequer. But when we are called on to repeal it at the risk of leaving a large deficit, or when we are called on to impose other taxes equally odious to the people, I think we should wait until some more favourable time presents itself. It is upon these, and upon no mere narrow grounds, that I object to the repeal of this tax. Another reason why we should suspend our judgment is this:—My right hon. Friend proposes other taxes which have not yet passed the House. Some of them are objected to by various classes of persons who will be affected by them. For instance, the mercantile classes object to the petty taxes which are to be imposed upon trade. It is true we remit duties on consumption, but we impose petty, vexatious, shackles on trade, such as 2*d.* or 3*d.* on removing packages, which are not imposed on the commerce of Hamburg, Belgium, Holland, America, or of any other country in the world. It is the first time in the history of the country that such vexatious taxes were imposed. I feel strongly the objections to such imposts, and it is therefore not quite clear to my mind that others may not object too, and that my right hon. Friend may not experience some difficulty in carrying them. At all events, I think it will be better to wait until they are carried before we proceed to remit other duties. Though greatly indisposed therefore to do anything in the least opposed to the measures of the Government, I feel obliged in my conscience to vote against the third reading of this Bill.

MR. G. W. HOPE said, that if he had voted upon the second reading of the Bill, he should have voted in its favour, because he had at that time believed that it would afford a considerable relief to the paper manufacturers, and that it would lead to an important reduction in the price of paper. But everything that had since passed, both abroad and at home, upon that subject, convinced him that that expectation was but a delusion. He believed that the measure would not be productive of the advantages he had at one time anticipated, and he should, therefore, vote against the third reading. He felt convinced, too, that the Estimate of the Government on account of the Chinese war would be found utterly insufficient, and with that conviction he could not, without some overpowering reason, such as did not, he believed, exist in that case, consent to the extinction of a large amount of revenue.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I must frankly admit that my right hon. Friend (Mr. Ellice) does found his opposition to the third reading of this Bill upon no narrow grounds. I might, indeed, question the correctness of some portion of those grounds as matters of fact. He complains of the Government because they are proposing the imposition of a number of new taxes upon trade which have not yet received the sanction of this House, which may therefore be uncertain as to their fate, and with respect to which it is desirable that we should know whether they are to be adopted before we surrender revenue. My right hon. Friend says he has attended the debates of this House for nearly half a century, and it is, perhaps, no wonder, therefore, that

he has become so weary of hearing them; that the taxes of which he speaks have been debated by the House, and, with an insignificant exception, have received its deliberate approval without his knowledge. Therefore, as regards that part of my right hon. Friend's statement, if it has materially affected his judgment on the immediate question before us, I can only regret that a voice so authoritative should have been guided or misguided, as the case may be, by considerations so entirely erroneous. As to my right hon. Friend's larger allegations and criticisms on the general policy of the Government scheme of finance, I must point out to him that he has spoken somewhat late. His statement, which resumes and sums up, in fact, the most prominent objections urged against the financial plans of the Government as a whole, would have been extremely important if it had proceeded from his mouth, with his authority, some two or three months ago, and would then have, at least, been in place and in time. At present, I hardly know what purpose it can answer beyond that of eliciting warm expressions of approval from that portion of the House which finds a large amount of sympathy in a quarter where sympathy with them was not previously known to exist. But I must submit to my right hon. Friend that it is too late to discuss these matters now. ["No, no."] With great respect I must decline to follow my right hon. Friend into the mere enunciation of counter-statements which it would be perfectly easy for us to make, or into that very minute examination, and, as I think, that not very difficult refutation, of his opinions, which would, in point of fact, involve the repetition of our principal debates for the last three months. I beg to state to the House what I conceive not to be the question now at issue. We are not debating the general principles of the financial plans of the Government, and I venture to tell my right hon. Friend that if he really has entertained these sinister and dismal apprehensions, it might have been better either to have uttered them in their full force at the time when they might have operated on the decision of Parliament, or possibly to have kept them to himself. The time, Sir, has passed by when the decision of Parliament can be governed by these prophecies, because in the main, as I shall endeavour to show to the House, the principal questions raised by them are already decided. I do not ask your assent

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to that proposition just now, but I will attempt presently to show that it is a sound and correct proposition. We are not discussing to-night the question whether it would have been wiser on the part of the Government to have refrained from proposing a repeal of the paper duty, which was to be made up by an additional penny of income-tax, because that additional penny has already become law, and has, at the moment I am speaking, been levied from many of Her Majesty's subjects, and a large party in this House opposed to the policy of the Government has, by its deliberate vote, in its own self-chosen language, sent forth to the country that the proposition of a tenth of the income-tax and the repeal of the paper duty were correlatives the one to the other, and inseparably united. That has been declared by the Motion of the hon. Member for Somersetshire (Sir William Miles), and supported generally by the party opposite. Neither are we discussing the question whether the Government would have done better to have proposed the reduction of the duties on tea and sugar rather than of that on paper, because we have seen that while it has been argued that at any rate it would have been a preferable change, yet there has been no serious intention of recommending a change of that sort, or it would have been submitted to the House in the shape of a formal Motion. Neither are we discussing the question whether a protective duty of a penny per lb. is to be maintained upon foreign paper in consideration of the legislation of foreign countries. I think, Sir, I may venture to assure my noble Friend who lately addressed the House (Lord Harry Vane), that, as far as argument at least, the two questions of the duty to be imposed upon the importation of paper from abroad and the question of the retention of the Excise duty on paper at home are entirely distinct. He may say if he pleases, and he has a right to do so, that the same inclination which led a majority of the House to vote for the one may lead them to vote for the other; but, in truth, the two things are quite distinct Neither at this stage do I propose to re-argue the general question of the repeal of the duty on paper. My right hon. Friend the Member for Coventry has not gone further than to say that a more odious tax than that for the retention of which he argued could not be conceived. And this most odious tax he desires to retain after the House has given to the

Exchequer the equivalent which was stipulated for when the repeal of the duty was proposed. I do not re-argue the general grounds against the tax. I merely recite them. Among them, were, of course, the general objections to Excise duties upon what is called a legitimate and unexceptionable manufacture. Prominently among them are the uncertainty and inequality of the present law, which have led the responsible Department to report that

"It is scarcely an exaggeration to say that we are levying a duty upon A while we allow B to send out goods precisely similar in nature without any interference from the revenue officers."

So that according to the opinions of those who are most competent to speak upon the subject it is not possible to go on longer as we are, and if the duty is not repealed there remains for Parliament the doubly odious task of new vexatious and restrictive legislation. Another and a less weighty ground is the Resolution of this House, and I hope that hon. Gentlemen who voted for that Resolution, meaning, apparently, nothing by it, will derive from that vote a salutary lesson for the future, when they see what effect such a vote produces in weakening the hands of those whose duty it is to maintain and enforce the law. My right hon. Friend has said that this duty is a tax on literature and education, and, as such it has long stood in evil odour in this House. And observe, the effect of it is to confine within narrow limits the whole manufacture from fibrous substances, which it is reasonable to expect, if the shackles of the law are removed, may become the basis of a trade vastly multiplied, and which will contribute to the general prosperity of the country in a degree far beyond the measure of tribute which it now supplies to the revenue. My hon. Friend the Member for Stamford (Sir S. Northcote) stated the case not unfairly. I understood him to take as his ground, not the general proposition that the financial policy of the Government ought *ab initio* to have been rejected, but that since the House had adopted the principle of the repeal of the paper duty such changes had taken place in the prospects of our expenditure as imposes upon us the duty and obligation of withholding the relief we had promised in respect of this particular item of finance. The state of our expenditure and the probable demands upon the public purse were declared by the Government at the commencement of the Session, and it requires no declaration from the Government to show that it contained some element of uncertainty, because we had undertaken to send, in conformity with what was our duty and honour a costly expedition to one of the remotest countries of the globe, with respect to which the cost must necessarily depend much upon circumstances attending the despatch of that expedition and the course of political affairs which might follow its departure and arrival. I never disguised this, nor do I now, that there is a degree of uncertainty affecting the expenditure of the present financial year, and probably that of future years. That is not a matter that is new to the House, but one which it had in view when it assented to our financial propositions and gave them its sanction and approval. And although the precise amount of that expenditure has received some degree of modification—the precise amount we are not able to say—yet there has been no such change as would justify us in altering the financial propositions which we submitted to the House. It is still a case of uncertainty, I admit, but still it is substantially the same case of uncertainty upon which the House gave its vote in the months of February and March. Now I come to the specific case upon which my hon. Friend rests. He said there was a change in the estimates for the collection of the revenue, and he intimated that there would be a similar change in the estimates for the miscellaneous services, although those changes would not involve any increase of charge. I think my hon. Friend will see, although he may be perfectly right in principle, when he says a material change in the probable charge of the country will justify a corresponding change in your intentions with regard to the provisions for it, that there is no such material change at this moment. as will justify his Motion. He says that several military Votes have been altered. It is true, and when we come to discuss those estimates a good reason for the alteration will, I am sure, be given, and the hon. Baronet knows well that a state of accounts involving such large sums between the Governments of India and of England is necessarily a disturbing cause, which from time to time tends to vary Estimates and to modify charges on either side. The Estimates as presented by my right hon. Friend he is prepared to stand by; and the House will, I think, admit

that he is not in the habit of presenting Estimates got up to meet the incidence of an immediate charge and then relying upon supplementary estimates to carry him through the year. Of course I did not understand that any offensive charge was made against us; and all I mean to say is—that the Estimates now presented in respect to the Votes to which the hon. Baronet alluded—namely, the clothing, provisions, and stores—will be defended by my right hon. Friend, and they must be understood to represent the mature convictions and the latest information of the department over which he presides. My hon. Friend adverted to the Vote for fortifications, and asked for details. Undoubtedly, nothing can be more reasonable than that the House should be informed as to the details of that Vote; but the House and the Government are essentially in the same predicament, inasmuch as while it is known to them both that a special body has been appointed for the purpose of considering the important questions connected with the defences of the country, the Report of that body, embodying the recommendations which it may think fit to make to the Government, is not yet in the hands of the Cabinet for its consideration. What course, then, has been taken by the Government under the circumstances? Why, this; they have submitted to the House necessarily a sum without details, which remains in a great degree unfixed, but, at any rate, a sum which is much more than the Vote of last year, or, indeed, of any preceding year, for the purpose of fortifications. But that matter stands precisely now as it did at the time when the House arrived at the decision which it is now asked to retract. I come now to the third head—that of the Miscellaneous Estimates, which my hon. Friend anticipated would be increased to £7,772,000; but that is sheer anticipation. I think I may venture to assure him that that is an inaccurate estimate, and that the charge for the Miscellaneous Estimates will approximate nearly to the figure at which I originally stated it. I will not say there will not be a variation of some £20,000 or £30,000, because my hon. Friend knows that in the course of public business there are always some items of these Estimates unsettled at this period of the year, but substantially that charge will correspond with my former Estimate. Then there remains the charge for the collection of the revenue; and, with respect to that, there is something in what has been stated by my hon. Friend, because, owing to the early period at which the Estimates were proposed, they were stated at a lower figure than that at which it was afterwards thought prudent to fix them. But it is impossible for me to state even now in what degree that change in the figure is likely to represent a real increase of expenditure, because, as my hon. Friend knows, important alerations are contemplated in reference to the revenue establishments and the collection of the taxes, and at present it would be impossible for me to say in what degree any changes that may be made in that sense may affect the Estimate; but even if the whole of the difference my hon. Friend anticipates were to be represented by a real expenditure — that difference being above £200,000—although it may constitute a change in the circumstances since the Budget was proposed, yet constitutes no change of a nature or magnitude that would justify us in stopping the course of a measure which involves a revenue of five or six times that amount. So far, therefore, as regards change in circumstances since the period when the financial statement was submitted to the House, there is nothing that would justify the Government in making new financial proposals to Parliament. But even that is not the whole of the question before us; and I entreat the House, before coming to the vote of to-night, to consider what its meaning and bearing really are. The third reading of a Bill is now contested, and you are, in circuitous and vague terms, but still with no doubt as to the practical object, invited to reject that Bill on the adjourned debate on this its very last stage, the object of that Bill being to repeal a duty which involves a large amount of revenue, and a trade producing many millions worth of goods every year. I intreat the House to consider what is really involved in that proposal. My right hon. Friend (Mr. Ellice) says he has sat in this House for nearly half a century, and I ask him if he has ever known such a vote given as that in which he is going to join to-night. If any other hon. Gentleman has known it, let us have the precedent. Has my right hon. Friend, I repeat, ever known a case in which the repeal of a tax affecting trade, deliberately proposed by an executive Government as part, and a fundamental part, of its financial propositions for the year, long debated in the House of

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Commons, variously discussed on both sides, and deliberately affirmed by a large majority—I say has he ever known a case in the half century of his experience in which, at the last moment, on the Motion for the third reading of a Bill, the House of Commons has interfered and arrested the boon on its way to the people? What does this involve? I am appealing to hon. Gentlemen conversant with trade and taxation, and I ask them what is the effect that is uniformly produced on the House and the country when the repeal of a tax upon trade is announced by the authority of the Queen's Government, and is accepted by the higher authority of this House? I state without the slightest fear of contradiction, that such an arrangement, when so announced, is almost uniformly taken for granted as a thing accomplished. ["No, no!"] These are surely matters for a free expression of opinion, and I state it as my opinion that even upon the announcement by the Queen's Government of the repeal of a tax on trade, that repeal is usually taken for granted. But what I insist upon is this—and here I challenge contradiction in any form—that, without exception, when such a remission of taxation has been proposed by the authority of the Government and accepted by a deliberate vote of the House of Commons it is from that time regarded by every person concerned as if it were already the law of the land. Is there an exception to that? Can my right hon. Friend (Mr. Ellice) furnish me with an exception? Let us recollect what this matter really is. The business of the Queen's Government is to make demands on the House of Commons for the sums necessary to carry forward the public service, and to suggest the means by which those charges are to be met. But this power of altering the taxes of the country is one of the greatest, most important, and most vital parts of the whole functions of the House of Commons; and what I now wish to bring to the particular notice of the House is that there is no instance of the correction of a deliberate vote of this kind. Directly the remission of a tax is announced by the Government and accepted by the House of Commons every description of trading arrangements begin to be made by those who are affected by the tax. Those who intend, when you remove a tax of excise, to create new establishments—and, in this case, to erect new mills—begin to make their arrangements—those who intend to import from abroad begin to make their arrangements to import from abroad—those who intend to make arrangements to dispose of a valuable stock, commence their arrangements for disposing of that valuable stock; the whole operations of that trade are, in point of fact, dependent on the vote of the House of Commons; and when the House has deliberately given that vote I say it is always and without exception regarded as the definitive and authoritative expression of its opinion. I think my right hon. Friend (Mr. Ellice) must be led to consider whether, even for the purpose of retaining the paper duty, it would be worth while to give such a shock to public confidence as the new course of practice now recommended could not fail to give. During the half century of my right hon. Friend's experience you have at intervals repealed from £40,000,000 to £50,000,000 of taxes, and in every one of these instances the first affirmation of the House has been accepted by the country, and are we now going to break up the traditions of the House, and destroy that confidence which the country has ever felt in its declarations relative to taxation? The hon. Member for Hertfordshire (Mr. Puller) says we have not lost our right to vote against the Second Reading of a Financial Bill because the principle of it has been affirmed in a preliminary Committee, nor to object to the Third Reading because it has passed through Committee. Certainly not. No person asserts that either the individual Members of Parliament in this House have lost their right to do what they please in the matter. I am not questioning the right of the House of Commons, but addressing arguments to its sense of fairness, and to that disposition which the House almost uniformly shows to paying regard to its own traditions, and to fulfil those expectations with regard to financial changes which the previous proceedings of Parliament has raised in the country. I know not in what way an executive Government would be able to meet the allegations of parties who, building upon an unbroken course of practice, had made arrangements which were subsequently interfered with. I must also say that I do not think that, even in a financial point of view, you can effectually reanimate the paper duty. You have gone too far. Your own deliberate and unanimous Resolution, sanctioned by the Members of the Government of that day, in

whose recollection it seems now to dwell somewhat lightly—the consequent announcements of your own confidential servants, whose business it is to collect the revenue—the proceedings you have this year taken, and the voice of your own majority would have this effect, that even if you persuaded the House to reverse its vote—which I think you cannot do—you would only bring back the trade to a paralyzed existence. You would check the manufacture, you would proscribe all enterprise, and you would only half obtain the fiscal objects which you contemplate, while no small loss and suffering would be the consequence of your having disappointed the just expectations that you had raised. But these considerations are apart from the important merits of the general question that has almost posthumously been raised by my right hon. Friend, and from the merits of the other important question whether the Government judged wisely or not wisely in proposing the repeal of the paper duty. What I submit is that it is above all things necessary in matters relating to taxation that the people of this country should know when the voice of Parliament has been uttered. The practice of forty years has exhibited a system of uniform conduct in this respect, under which you have given a promise to the country that I do think it would be neither wise nor just to recall; and I do not hesitate to express my individual opinion, that if we were about to be, I will not say involved in war, but to be placed in circumstances that would demand of us additional charges, it would be better that the Government, having arrived at this point, should propose some other appliances, and ask the House to find the means in some other way, rather than counsel the House to do that which would be regarded as nothing more nor less than the breach of a legislative promise. I feel confident that the majority of the House retains the opinion which it expressed on the Second Reading of the Bill. I also feel confident that even some of those who doubted the merits of the measure when it was introduced will not doubt now, when the question is whether the House will or will not fulfil a solemn pledge that it has given to the country.

MR. T. BARING:—I trust the House will allow me to state that I for one do not concur in the opinion expressed by the right hon. Gentleman the Chancellor of the Exchequer in reference to the operation of this measure on the trade in paper or subscribe to the principle he has laid down that every removal or every reduction of a duty proposed by the Government is to be considered almost by consent as imperative. In 1852 the right hon. Gentleman the Member for Buckinghamshire proposed, on the part of the first Government of the Earl of Derby, a reduction of the duty on tea, but the House rejected that Budget entirely. Does the right hon. Gentleman mean to say that because the Government proposes a reduction of duty, such is the prestige and importance attached to the proposal that all transactions of trade in the particular commodity affected by it are brought to an end, and that a rejection of the proposal by this House cannot be carried into effect without inflicting serious and fatal injury on that trade? I ask the right hon. Gentleman is he sure that in consequence of his proposal for the removal of the Excise duty on paper there has been such an extension of projects for the manufacture of that commodity as he seems to suppose? Does he mean to say that the paper manufacturers are in favour of his measure if that measure be coupled with a reduction of the duty on foreign paper, without any compensating reduction of duty on the import of the raw material? So far as I can gather the opinion of the paper manufacturers, they would rather have the duty on paper remain if its repeal is to be accompanied by a reduction of the duty on foreign paper without any corresponding reduction on the import of rags. The right hon. Gentleman says it will be a breach of faith not to carry out this proposal. But I think it is but too probable that if it be carried out English capital will be carried away to be embarked in paper manufacture abroad, when proof will be given of the right hon. Gentleman's mistake in thinking that the rejection of this Bill on the third reading would inflict injury on the trade. The right hon. Gentleman is correct in saying that when a Resolution is carried in this House with reference to an import duty on a foreign product commerce relies on that Resolution being formally passed, because it affects the duty on the import of the commodity; but when a Resolution of the House affects the manufacturing industry of this country it is a very different thing. I agree with the right hon. Member for Coventry (Mr. Ellice), that it is better to remove Excise duties if we can, but that of all Excise

duties that on paper is the least injurious to the production of manufactures, the least hurtful, the least preventive to inventions and the introduction of new materials. But we are not now considering whether Excise duties are or are not hurtful, nor whether the removal of the paper duty might or might not benefit the manufacturers and extend the trade of the country. We are not now even considering whether it is better to repeal this duty or those that press more heavily on the labouring classes; but we are considering whether, looking to the future, and, looking to the uncertainties of expense, and to what may happen next year with, perhaps, another Parliament —at any rate, with a great deficiency, we should now remove a source of revenue which now exists without great pressure on the productive powers of this country and without great injury to the manufacturing classes or detriment to the consuming classes, and which may be wanted, and, I believe, is now wanted, but which, at all events, this House would be unwise to part with. For a Government to refuse this proposition on the part of an Opposition was most extraordinary. We have heard in old times of "Her Majesty's Opposition," but this appears to be "the Government Opposition," which grants the Government £1,200,000, and places right hon. Gentlemen opposite in the happy situation of perhaps avoiding a deficiency, or at least secures to this country its power to meet future contingencies, and to maintain public faith.

MR. DISRAELI: Sir, I should be quite content that this Debate should close with the able speech of my hon. Friend the Member for Huntingdon (Mr. T. Baring), had it not been for references repeatedly made to me, not only to-night, but on a former occasion by the right hon. Chancellor of the Exchequer with respect to the conduct I pursued in reference to this tax two years ago; and I do not think it becoming to myself or to the House to remain silent, when the right hon. Gentleman has spoken under an entire misapprehension of what took place on that occasion. With respect to the question generally, as moved by way of Amendment, it appears to me that a very simple issue is raised; and when we strip it of all the envelopment which has been thrown around it by the rhetorical dexterity of the right hon. Gentleman, we have before us only one point to consider, and of all points in the world one the most entitled to the grave and earnest consideration of the House of Commons. Sir, the Government, from one peculiar circumstance on which we need not now dwell, had this year to make their financial statement at an unusually early period, when we were not and when we could not be in possession of the results of the financial year; and the propositions of the Government were of a very extensive and singularly complicated character. Well, the consequences of these circumstances was a result, which the right hon. Gentleman has admitted, that there were necessarily in the statements made what the right hon. Gentleman has happily and fairly described as elements of uncertainty; and it is because we are now in the middle of the Parliamentary Session, and because those elements of uncertainty have to a certain degree been developed, and because there is a prospect of a still further development of them, ending in an issue not in harmony with the calculations and estimates of the right hon. Gentleman, that my hon. Friend the Member for Stamford takes this opportunity, when the House is called upon to sanction a further remission of revenue, to advise you to re-consider your position and see whether you are justified in taking the step which the Government counsels you to pursue. I listened with great attention to the right hon. Gentleman to see how he would answer the objections urged both with moderation and modesty by my hon. Friend. In the first place my hon. Friend says that we are not yet in possession of all the Estimates of the Government, but that, nevertheless, we have already had one estimate which exceeds the calculation made at the beginning of the year by a sum considerably above £200,000; and as the Government calculated only on a surplus for the whole year of £400,000; therefore, more than half this surplus has already disappeared. I have not heard any denial of the accuracy of that statement. My hon. Friend as well as the right hon. Member for Coventry, with all the authority the latter Gentleman so justly possesses in this House, called our attention to the Vote of credit for China. Was the answer of the right hon. Gentleman on that point satisfactory? So far as I could follow the ambiguous though adroit phraseology of the right hon. Gentleman, I understand that he is in possession of evidence at this moment to the effect that the estimate this year has been exceeded. Then what has be-

come of that surplus revenue calculated on at the beginning of the year? The right hon. Member for Coventry, following up with more detail the intimation made by my hon. Friend, appears to have excited great indignation on the part of the Chancellor of the Exchequer, because that right hon. Member succeeded in showing that some of the taxes which the Chancellor of the Exchequer counted on, and which were framed, if not with the intention, at all events with the effect, of greatly vexing and embarrassing the trade of the country, would probably fail in producing the anticipated amount of revenue, and might not even receive the sanction of the House. What was the answer of the Chancellor of the Exchequer? The House cannot have forgotten the dignified reproof the Chancellor of the Exchequer administered to the right hon. Member for Coventry. Undismayed by the experience of half a century, which we all acknowledge and which he shows in our Debates when ever he rises, the Chancellor of the Exchequer positively gave him a lecture, for not being aware that all these measures had already received the sanction of the House. Is that so? I have watched the progress of these measures, not with the authority of a Gentleman who has sat here for fifty years, but with a sense of the responsibility attaching to my position in this House, and I have observed that the charges on the various operations in warehousing, such as "tapping, reguaging, bottling," &c., which were announced in the Budget, and which stood on the Motion paper of the House for a considerable time, have disappeared from that paper. I have made, not a public inquiry, but an inquiry, I believe, at an authentic quarter in this House, and I shall be greatly misled, if those measures will ever reappear. They are dropped. There was an estimate, when the financial statement was made, that these particular measures would produce £130,000. To that add the sum of £230,000 in excess, occasioned by the collection of the revenue, and the unknown but certain excess on the China Vote, and we shall soon be arriving at the amount of this very tax, the remission of which is under our consideration. For I must remind the House that, though this tax produces a revenue of more than £1,200,000 a year, and is increasing in amount, yet, so far as the financial year is concerned, the amount which it will give to the Chancellor of the Exchequer will only be

Mr. Disraeli

£1,000,000; and the items to which I have already alluded approach to an amount something exceeding two-thirds of that sum. But a very important element is still to be noticed, and that is the subject of fortifications. My hon. Friend, the Member for Stamford, very properly called the attention of the House to that matter, which is no longer a rumour, but an understanding sanctioned by an announcement from Ministers to the effect that the question of the fortification of this country on a great and costly scale, has been under the consideration of a Committee; and the Report of that Committee has, I understand, been made to the Government. At any rate, there is a general impression that the Report, when made, will be acted upon. No denial has been given by the Chancellor of the Exchequer on that head. The right hon. Gentleman evaded the question, by merely saying that the Report is not yet submitted to the Cabinet; but he offered no defence against the grave and sensible objection made on the possible resulting expense. He said there was an item for fortification in the Army Estimates of £640,000, without the usual specification in detail; and then he conveyed to the House the impression—indeed, he more than conveyed an impression—I might say he made the statement, that if the great expenditure on account of fortification to the amount of £10,000,000 were decided on, it would be minus, at all events, the sum already included in the Army Estimates. But the House will, I am sure, recollect—the words are yet ringing in our ears—that the Secretary for War answered my specific inquiry in the most frank and unambiguous manner, that that latter Vote was in no way connected with any future plan for the general fortification of the country, but only for that portion still in hand. Therefore, on those points connected with the finances of the country, the right hon. Gentleman has totally evaded the objections that have been urged, or has practically admitted their justice. One word upon this particular tax under discussion. The President of the Board of Trade has appealed to me to support this Bill, upon the grounds which I expressed some years ago, and more than once expressed in favour of the Repeal of the Paper Duty. He says that the financial views of my hon. Friend, the Member for Stamford, are not to be entertained; that my views are of a higher character, and that I take the moral, literary, and

educational view of this matter. To consider the matter in this view, is, in his opinion, to take the high view of it; to consider it in a financial point of view, and with reference to the national revenue, is a low view. Now, I do not agree with the right hon. Gentleman, because moral, literary, and educational progress, is entirely dependent upon the state of the country; and if the finances of a country are in disorder, if its general prosperity ceases, then, depend upon it, that intellectual progress, to which he refers, must cease also; and the efforts which multitudes make to educate themselves, must vanish as a dream. And when the right hon. Gentleman, the President of the Board of Trade, who ought to understand what important considerations are involved in the state of the finances of a country, decries that view of policy as low, which only aspires to keep the revenues of a country in a healthy and satisfactory condition, I say that a sound state of the public revenue and expenditure is the only foundation upon which you can build up those plans for the amelioration of the people, to which I should be most happy if it were in my power to contribute. The President of the Board of Trade, says my hon. Friend, is unreasonable, because we have got the income tax; and now my hon. Friend wants to have the paper duty, too. The right hon. Gentleman says we are bound by the tenth penny of the income tax to remit the paper duty. But does the right hon. Gentleman mean to maintain that we ought to remit the paper duty, whether we can afford it or not? Because that is the question. "But then," says the Chancellor of the Exchequer, "remember the Resolution you sanctioned two years ago with reference to this tax. Your mouth is closed by that Resolution." Now, Sir, if that Resolution were more precise and explicit than it is, I should still consider my liability to support it at the present moment with reference only to the present financial condition of the country. But what was this Resolution so frequently referred to and misrepresented by the right hon. Gentleman? I am not surprised if hon. Gentlemen do not remember it, especially considering the fallacious manner in which it has been adverted to. The stream of public affairs is too rapid to permit these matters to be remembered, and only those who are responsible for them can recall particular acts and the motives by which they are actuated. That Motion which declared that the paper duty ought not to be a permanent branch of revenue really meant nothing, as my hon. Friend the Member for Norfolk said at the time. What were the circumstances under which that Resolution was brought forward? It was brought forward after the financial statement of the year had been made. In that financial statement I proposed, on behalf of my Colleagues, a policy which the House entirely and unanimously approved and sanctioned, and no one more cordially than the present Chancellor of the Exchequer—namely, that it was the bounden duty of this House, although at great sacrifices, to fulfil the compact that had been made in 1853 by the right hon. Gentleman himself, who was then Chancellor of the Exchequer, for the entire abolition, if possible, in the year 1860 of the income tax. I expressed on the part of my Colleagues, with the entire concurrence of both sides of the House, our desire to remit the war duties on tea and sugar. We gave reasons, however, which were unanimously approved of by the House why we could not do so, and we showed that the first thing a Finance Minister had to do was so to guide the revenue and expenditure as to get rid of the income tax in 1860, and thus to complete and consummate the financial policy of the right hon. Gentleman the present Chancellor of the Exchequer. If that was the policy of the then Government, approved of by their political opponents, how could it be supposed that when two or three weeks afterwards we came to consider the paper duty, that policy could be supposed to be upset by a Resolution of that kind? Such a Resolution only meant that when the war duties on tea and sugar were removed and the other obligations of Parliament were fulfilled, then, if the opportunity were afforded and the state of the revenue permitted, this Excise duty should be remitted. I admit that I should have been most happy to remit it when the state of the revenue permitted. I had always been in favour of repealing Excise duties, on the ground that they interfered with the national industry, and I should have been delighted to repeal this particular Excise duty, the remission of which was recommended to me by considerations of moral influence that I highly esteemed. That is my answer to the right hon. Gentleman. What, then, is the state of affairs now? Has the income tax terminated in this year, 1860? Have the war duties on tea

and sugar been abolished? The right hon. Gentleman is now responsible for the finances of this country. He has doubled the income tax; he has retained the war duties on tea and sugar; and then he turns round upon me, and says I called for the abolition of the duty on paper! Why, anything more illogical or inconsequent, any plea more futile or fallacious, was never put forward. But I am told that we are not justified in pursuing the course proposed by my hon. Friend. Of late years I have doubted whether we have not been dealing with the forms of this House too lightly, and whether we paid them that veneration and attention which our predecessors thought it wise to give. But I did not expect to hear a Minister of the Crown rise and make a speech which, if it had any meaning, would imply that the forms of the House are entirely abolished on all questions of finance, and on all proposals to levy taxes—the subjects which most interest the country, and which are the main and principal reason for our sitting here as their representatives. Why, Sir, suppose a war should occur during some fantastical financial proposition, in which a tax of this kind is included? Well, there is a war. There is a Chinese war, the cost of which is estimated at £500,000, but which may be nearer £5,000,000. Here is a war. And then the right hon. Gentleman, with all the mysterious dogmatism he knows so well how to assume when it suits him—contradicting himself as he constantly does with rapid incoherence, but covering his contradictions with that robe of glittering phraseology which prevents one from immediately detecting the weakness of his argument—laid down the principle that when once this House has consented to the remission of a tax it is impossible to offer any further resistance to its repeal. The House seemed astonished, and the right hon. Gentleman, becoming more audacious, advanced another principle, that when a Minister once proposed that a tax should be repealed the House had no right to interfere. I gave, unfortunately, an indiscreet cheer, which reminded the right hon. Gentleman that he had better reconnoitre his position. Having, therefore, treated the right hon. Gentleman the Member for Coventry to another admonition, the right hon. Gentleman turned round and said that there was no instance in which the House of Commons, having once voted the repeal of a tax, had afterwards refused to carry out its vote. I do not know what the half-century of experience and observation and wisdom which has been referred to to-night in so admonitory a tone can supply to the right hon. Member for Coventry. My experience is much more limited; but I remember some remarkable instances in which this House having come to a determination upon most important taxes—taxes of far more importance than the paper duty—reconsidered and changed its opinion. The House came once in my time to the determination to repeal the malt-tax. The malt trade is one of some importance, and I suppose that decision of the House put all the maltsters of England in a flutter; but the malt-tax was not repealed, which shows that there is nothing so essentially anomalous or unconstitutional as the Chancellor of the Exchequer says in this House reconsidering a Resolution to which it may have prievously come. I remember, too, the House once coming to the determination to repeal the sugar duties. The sugar trade is one in which there is immense speculation, and, I dare say, a great effect was produced in Mincing Lane when that vote was arrived at; but did the House pursue the policy which it had sanctioned with its approval? On the contrary, circumstances occurred which made the House deem it prudent to reconsider its decision, and the sugar duties were not abolished. What more do we propose to-night? We think the House on the subject of the paper duty has arrived at an imprudent, premature, and precipitate decision. In the former cases referred to we were not so much surprised as we have been in this instance. They were isolated questions placed fairly before the House, and the House had every opportunity of arriving in either instance at a sound decision, without being perplexed by extraneous circumstances. What has been the condition of the House in the present case? It had an immense scheme with respect to the commerce and the finances of the country placed before it the moment it assembled. It had not a decent opportunity to consider that scheme. If any hon. Gentleman asked for those fair opportunities which the bare forms of the House and Parliamentary precedents secure to us, the Chancellor of the Exchequer rose like a dictator and a despot in this House, and under a species of terrorism the House arrived at a precipitate decision, which has been ruinous to our trade and has made us ridiculous in the eyes of Europe. The Chancellor of

the Exchequer, not satisfied with that, came forward and demanded of the House to rescind all the financial policy which for years he had been professing and upholding, and which so nearly concerned the interests of the whole people. He asked the House in the year when he had pledged himself, so far as a statesman can pledge himself, to abolish the income tax, to double that impost; and when his propositions were not received with all the enthusiasm which he seemed to count upon —for inconsistency is always sanguine— he vindicated his policy, as he has vindicated it to-night, by a statement which upon reflection he must feel has no foundation. He told us that he had been disappointed in the policy which he had established in 1855; that the Russian war had occurred and had baffled all his plans. He quite forgot that in 1857, when he was not in office, and when the then Chancellor of the Exchequer, the present Home Secretary, wanted to induce the House to consent to retain the war income tax, on the ground of the great expense of the Russian war, which had added to the national debt an annual charge of £1,200,000, he rose and scoffed at the right hon. Gentleman, and treated him with intense and unutterable derision. And upon what ground? Upon the ground of his ridiculous assertion that the Russian war had made any considerable addition to the annual charge of the country or had diminished its permanent revenue. He asked the Chancellor of the Exchequer in an indignant tone whether he could pretend for a moment that the charge occasioned by the Russian war ought to induce the House to abandon those solemn pledges which it made to the nation in 1853— pledges which induced the people of Ireland to consent to the income tax being extended to that country; pledges which induced the adoption of the succession tax, by which alone the Government had been able to settle some of the most difficult and delicate questions ever submitted to Parliament. Such was his language in 1857. What is the moral? What confidence can we have in following the counsels of the right hon. Gentleman? I showed you on a previous occasion, when you were in the delirium of the French Treaty, which every man on both sides looks back to now with shame, how the right hon. Gentleman had failed in every one of the great propositions of his famous Budget of 1853. Having traded upon that false celebrity for seven years, you now meet him again in 1860. Three months of the Session have not yet passed, and you already deplore the course which, following his counsels, you have pursued. Now, while there is still an opportunity of at least mitigating our previous folly by some prudential movement, will you—can you reconcile it to yourselves to sacrifice, in the present financial condition of the country, a large branch of revenue which the trade interested—and that is an important consideration—does not want you to part with, and which the evidence before you proves is not a declining but an increasing revenue? Above all, I ask, will you do this at a moment when Europe is in a condition which must make the boldest man quake and the wisest man tremble?

The CHANCELLOR of the EXCHEQUER: Sir, I request the indulgence of the House for a moment while I make an explanation upon two points on which the right hon. Gentleman has entirely misrepresented me. One of them touches my personal honour, and the other is of vital importance in the present discussion. The right hon. Gentleman says that in 1857 I urged that the financial consequences of the Russian war had not made it impossible to fulfil the plans of 1853, and that in 1860 I stated that they had. I wish to meet that statement of the right hon. Gentleman with the most direct contradiction which the forms of the House will allow. My words are upon record, and they were distinctly and emphatically the reverse of that which the right hon. Gentleman has stated to the House. The other point is one upon which I am content to rest the issue of this debate. The right hon. Gentleman says I alleged there was no instance in which the House, having voted the remission of a tax, had thought proper afterwards to change its mind. To that statement likewise I am obliged to give a direct contradiction. What I said was, not that there was no instance in which the House, having given a vote for the repeal of a tax, had afterwards altered its mind and reversed the vote, but that there was no instance in which the House, having voted the repeal of a tax upon the proposition of the Executive Government, had afterwards reversed that vote, which I stated to be equivalent to a pledge to the country.

Mr. SIDNEY HERBERT: I cannot allow to pass, as if I acquiesced in it, the statement of the right hon. Gentleman

the Member for Buckinghamshire, that in moving the Estimates of my Department I had frankly stated that the lump sum for fortifications included nothing more than would be moved under ordinary circumstances. What I said, in answer to a question of the hon. Member for Norfolk whether any new works were contemplated, was, that no new work or no work not sanctioned by Parliament should be commenced under the Vote given on account. As I could not tell either what works the Commission would recommend or what the Government might decide upon, still less what this House would sanction, I took the Vote as a sum in a lump, instead of in detail, the details being then unknown. In the Estimates I purposely inserted a large sum without detail, in order that, whatever might be the decision of the Government or of this House upon the question, I might have the means of providing what, in the responsibility of my office, I might deem necessary for the defences of the country.

Question put:—The House *divided*:—The Tellers reported the numbers, Ayes 219; Noes 209.

Notice taken that Mr. INGRAM, one of the Members for Boston, had been in the Division Lobby with the Noes, and having passed the Division Clerks had avoided being counted by the Tellers:—Whereupon Mr. SPEAKER directed the Honourable Member for Boston to come to the Table; and Mr. INGRAM, being come to the Table, stated that he had gone into the Lobby with the Noes by mistake.

Mr. SPEAKER accordingly directed his Vote to be added to the Noes, and declared the numbers to be, Ayes 219; Noes 210: Majority 9.

List of the AYES.

Acton, Sir J. D.
Adam, W. P.
Agar-Ellis, hon. L. G. F.
Alcock, T.
Andover, Visct.
Angerstein, W.
Antrobus, E.
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Baines, E.
Baring, T. G.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Black, A.
Blake, J.
Blencowe, J. G.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Briscoe, J. I.
Browne, Lord J. T.
Buchanan, W.
Buller, J. W.
Buller, Sir A. W.
Buxton, C.
Byng, hon. G.
Caird, J.
Calcutt, F.
Calthorpe, hn. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Childers, H. C. E.
Clay, J.
Clifford, Col.
Clinton, Lord R.
Clive, G.
Cogan, W. H. F.
Collier, R. P.
Coningham, W.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crook, J.
Cross, R. A.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Deasy, rt. hon. R.
Denman, hon. G.
Dent, J. D.
Dillwyn, L. L.
Douglas, Sir C.
Duff, M. E. G.
Duff, Major L. D. G.
Duke, Sir J.
Dunne, M.
Ennis, J.
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Ferguson, Col.
Fermoy, Lord
Fitzwilliam, hn. C. W. W.
Foley, J. H.
Foley, H. W.
Forster, C.
Fortescue, hon. F. D.
Fortescue, C. S.
Freeland, H. W.
Garnett, W. J.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W. E.
Glyn, G. G.
Goldsmid, Sir F. H.
Gordon, C. W.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Greenwood, J.
Gregson, S.
Grey, rt. hon. Sir G.
Gurney, S.
Hadfield, G.
Hankey, T.
Harcourt, G. G.
Hardcastle, J. A.
Hartington, Marquess of
Hayter, rt. hn. Sir W. G.
Headlam, rt. hon. T. E.
Henley, Lord
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgson, K. D.
Howard, hon. C. W. G.
Ingham, R.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Kinglake, J. A.
Kingscote, Col.
Laing, S.
Langton, W. H. G.
Lawson, W.
Leatham, E. A.
Lennox, Lord H. G.
Lewis, rt. hon. Sir G. C.
Lindsay, Wm. S.
Locke, Joseph
Locke, John
Lockhart, A. E.
Lowe, rt. hon. R.
Lysley, W. J.
M'Cann, J.
M'Cormick, W.
Mackinnon, W. A.
M'Mahon, P.
Maguire, J. F.
Mainwaring, T.
Marjoribanks, D. C.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Merry, J.
Miller, W.
Mitchell, T. A.
Moncrieff, rt. hon. J.
Monson, hon. W. J.
Morris, D.
Noble, J. W.
North, F.
O'Brien, P.
O'Connell, Capt. D.
O'Conor Don, The
Ogilvy, Sir J.
Padmore, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Viscount
Paxton, Sir J.
Pease, H.
Peel, rt. hon. F.
Pilkington, J.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Pryse, E. L.
Pritchard, J.
Proby, Lord
Puller, C. W. G.
Raynham, Visct.
Redmond, J. E.
Ricardo, O.
Richardson, J.
Ridley, G.
Robartes, T. J. A.
Robertson, D.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Russell, F. W.
Russell, Sir W.
St. Aubyn, J.
Salomons, Mr. Ald.
Salt, Titus
Scholefield, W.
Scott, Sir W.

Mr. Sidney Herbert

Seymour, Sir M.
Seymour, H. D.
Seymour, W. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Smith, J. B.
Smith, Augustus
Smollett, P. B.
Stacpoole, W.
Stafford, Marquess of
Staniland, M.
Stansfeld, J.
Stuart, Col.
Sykes, Col. W. H.
Thompson, H. S.
Tollemache, hon. F. J.
Turner, J. A.
Verney, Sir H.
Villiers, rt. hon. C. P.
Waldron, L.
Walter, J.
Warner, E.
Watkins, Col. L.
Wemyss, J. H. E.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
Wickham, H. W.
Williams, W.
Wood, rt. hon. Sir C.
Woods, H.
Worsley, Lord
Wrightson, W. B.
Wyvill, M.

TELLERS.

Brand, hon. H. B. W.
Dunbar, Sir W.

List of the NOES.

Adderley, rt. hon. C. B.
Adeane, H. J.
Annesley, hon. Capt. H.
Archdall, Capt. M.
Astell, J. H.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, H. B.
Baring, T.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Benyon, R.
Beresford, rt. hon. W.
Bernard, T. T.
Blackburn, P.
Bond, J. W. M'G.
Booth, Sir R. G.
Bovill, W.
Bramston, T. W.
Bridges, Sir B. W.
Brocklehurst, J.
Brooks, R.
Bruen, H.
Bulkeley, Sir R.
Burghley, Lord
Cairns, Sir H. M'C.
Cartwright, Col.
Cecil, Lord R.
Cobbett, J. M.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Coke, hon. Col.
Colebrooke, Sir T. E.
Collins, T.
Conolly, T.
Corry, rt. hon. H. L.
Cubitt, G.
Dalkeith, Earl of
Damer, S. D.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E. (St. Andrews)
Elphinstone, Sir J. D.
Emlyn, Viscount
Estcourt, rt. hon. T. H. S.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
FitzGerald, W. R. S.
Foljambe, F. J. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Gallwey, Sir W. P.
Galway, Viscount
Gard, R. S.
George, J.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Greaves, E.
Gregory, W. H.
Grey de Wilton, Visct.
Griffith, C. D.
Grogan, Sir E.
Gurdon, B.
Haliburton, T. C.
Hamilton, Lord C.
Hanbury, hon. Capt.
Hardy, G.
Hartopp, E. B.
Hassard, M.
Heathcote, hon. G. H.
Hennessy, J. P.
Herbert, rt. hon. H. H.
Herbert, Col. P.
Heygate, Sir F. W.
Holford, R. S.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Howes, E.
Hubbard, J. G.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Ingram, H.
Jermyn, Earl
Johnstone, hon. H. B.
Johnstone, J. J. H.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Lacon, Sir E.
Lefroy, A.
Legh, Major C.
Liddell, hon. H. G.
Lindsay, hon. Col.
Long, R. P.
Lopes, Sir M.
Lovaine, Lord
Lyall, G.
Lygon, hon. F.
Malins, R.
Manners, rt. hn. Lord J.
March, Earl of
Maxwell, hon. Col.
Miller, T. J.
Milnes, R. M.
Mitford, W. T.
Montagu, Lord R.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Naas, Lord
Napier, Sir C.
Newport, Viscount
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Packe, G. H.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, R. W.
Papillon, P. O.
Parker, Major W.
Paull, H.
Peacocke, G. M. W.
Peel, rt. hon. Gen.
Pennant, hon. Col.
Philipps, J. H.
Portman, hon. W. H. B.
Powys, P. L.
Quinn, P.
Ramsden, Sir J. W.
Repton, G. W. J.
Rogers, J. J.
Salt, Thomas
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. K.
Sibthorp, Major
Smith, Montague
Smith, S. G.
Smyth, Col.
Somerset, Col.
Spooner, R.
Stanhope, J. B.
Steuart, A.
Stuart, Major W.
Sturt, H. G.
Sturt, N.
Stracey, Sir H.
Sullivan, M.
Talbot, hon. W. C.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Torrens, R.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Upton, hon. Gen.
Valletort, Viscount
Vance, J.
Vandeleur, Col.
Vane, Lord H.
Vansittart, W.
Walcott, Admiral
Walker, J. R.
Walpole, rt. hon. S. H.
Watlington, J. W. P.
Way, A. E.
Whiteside, rt. hon. J.
Whitmore, H.
Williams, Col.
Woodd, B. T.
Wyndham, Sir H.
Wynn, Col.
Yorke, Hon. E. T.

TELLERS.

Taylor, Col.
Jolliffe, Sir W.

Main Question put, and *agreed to.*
Bill read 3° and *passed.*

House adjourned at a quarter-before Two o'clock.

HOUSE OF COMMONS,

Wednesday, May 9, 1860.

MINUTES.] PUBLIC BILLS. — 2° Piers and Harbours; Marriages (Extra-Parochial Places).

MOY RIVER NAVIGATION BILL.

REPORT.

Ordered, That the Committee on Group L of Private Bills have leave to make a Special Report, so far as relates to the Moy River Navigation Bill.

Special Report *brought up*, and read, as follows:—

That, in the case of the Moy River Navigation Bill, it is the opinion of this Committee that there are strong grounds for believing that James Welsh, in giving his evidence before the Committee was guilty of wilful and corrupt perjury.

Ordered, That there be laid before this House, Extracts of the Minutes of the Evideuce taken before the Committee on the Moy River Navigation Bill, upon which the said Special Report is founded.

Extracts *presented* accordingly; to lie upon the Table, and to be *printed.*

PIERS AND HARBOURS BILL.

SECOND READING. ADJOURNED DEBATE.

SECOND NIGHT.

Order read, for resuming Adjourned Debate Question [6th March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

MR. LINDSAY said, that he had, at the request of the hon. Member for St. Ives (Mr. Paull), consented to put his name on the back of the Bill, under a misapprehension as to its effect. He had imagined that it would carry out the recommendations of the Commission on Harbours of Refuge, of which he had been a Member. But when he saw the clauses, he found them altogether different from what he had expected; and he therefore not only required the withdrawal of his name, but he likewise felt himself compelled to oppose the measure. The Bill proposed that parties who desired to improve their harbours or erect new works should, without coming to Parliament, apply to the Admiralty, who should have power to grant either an extension of existing or the erection of new works. But there had been on both sides of the House complaints that the Admiralty was already saddled with too much work, even in times of peace: and we knew to our cost that they were utterly unable to get through their work in time of war. The Admiralty had already to manage £13,000,000 of money annually—work enough, surely, for one body, without extra labour being thrust on them. The Bill proposed that the Admiralty should appoint an inspector to go down and examine the works of any harbour requiring extension or formation; and who was he to be? A gentleman receiving not more than three guineas a day when employed, and nothing at all when unoccupied. He would scarcely, at the most, make more than £300 a year by his employment, and it would be most improper to entrust the great powers contained in the Bill to a man so inadequately compensated. There was power to take private property, to levy rates, and furthermore, to touch upon those vital questions of the foreshores and the closing up of existing harbours, which were of the utmost commercial importance, and all those powers were to be entrusted to a gentleman receiving only £300 a year. It had been said that the Enclosure Commissioners had similar powers, but those Commissioners were quite a different body. They had no power to take private land. Their business was to deal with waste lands when called upon by not less than two-thirds of the parties having rights in those lands. He considered the Bill interfered with the privilege every man was entitled to—namely, that of having questions of this kind publicly and openly discussed where private property was affected. He hoped his hon. Friend would consent to withdraw the Bill, and postpone the further consideration of the subject until it had been seen what steps the Government would take in pursuance of the recommendations contained in the Report of the Harbours of Refuge Commissioners. Should his hon. Friend not consent to do so, he (Mr. Lindsay) should feel bound to press the Amendment. He would, then, move that the Bill be read that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. BUCHANAN said, he wished to second the Amendment. The interpretation clause at the end of the Bill was so comprehensive that it could be made to include almost everything. The rights proposed to be adjudicated upon by the Admiralty had hitherto been regarded as of a most delicate kind, and it would be a great innovation upon established law and custom to confer such authority upon that Board. It was quite clear that the pro-

posed powers could never be exercised by the Admiralty with satisfaction to the public, especially as such great interests were to be handed over to a gentleman with a salary of only £300 a year or thereabouts. He objected especially to Clause 6, which went to over-ride local Acts of Parliament. Another most objectionable clause was that which enabled the Admiralty Commission to go about the country and inquire into private works, to demand the inspection and delivery of documents, and to exercise a number of other powers which would be very improperly placed in the hands of any individual.

MR. PAULL said, that he could not but express his surprise at the course that had been taken by the hon. Member for Sunderland (Mr. Lindsay), who had not quite correctly stated what had passed between them on a former occasion. The hon. Gentleman had stated that after the report of the Harbour of Refuge Commissioners had been presented, he (Mr. Paull) asked his permission to put the hon. Member's name on the back of a Bill to carry out the recommendation of that report; but that was an error, for he had introduced an almost identical Bill in 1858. Upon that occasion the Bill was read a second time by a majority of no less than 103, thus affirming the principle, and in point of fact the report of the harbour of refuge Commissioners had been in a great measure based upon the Bill. There was therefore no reason why the details should not be considered by a Committee of that House or by a Select Committee. The hon. Member objected to the machinery proposed by the Bill, but to render such a measure of any public advantage, it must provide a tribunal which could give speedy decisions at little expense. The hon. Member had advised him to refrain from introducing the Bill until the intentions of the Government were known, but he thought that this Bill would rather clear the way for the Government if it really meant to deal with the subject. Upon a previous occasion he had been told that he was proposing an unconstitutional novelty, and that he was acting solely with a view to the interests of his constituents, but he denied both those statements. It was true that the people of St. Ives, like other persons, desired a better and cheaper mode of effecting harbour improvements than existed at present. Some years ago it was desired to pull down an old pier and to erect a new one at a cost of £20,000. The Bill introduced into Parliament for that purpose was practically unopposed. Everybody agreed that the works were necessary and would benefit the neighbourhood; and yet the Bill cost £1,300, simply because it was necessary to go through the ceremony of obtaining a private Act. Such a system inflicted a positive hardship upon those who wished to effect public improvements. In other instances the expenses had been even greater, for he found that the total expenditure in seven cases of applications to Parliament in 1845 for the construction of piers and harbours was no less than £30,000. And between 1801 and 1852 no less than 600 Bills had passed through Parliament. It was an understood thing that no Bill, however short it might be and however unopposed, could pass through Parliament for a less expense than between £500 and £600. In the somewhat analogous case of a person wishing to enclose land the expenses had been reduced to a *minimum*, under the operation of the Enclosure Commissioners' Act, the cost of each case not exceeding £16 or £17. There was no doubt that inquiries respecting piers and harbours must be upon a scale of greater magnitude, but certainly there was not such a difference as to warrant the enormous disproportion of cost. With respect to charges that the Bill was unconstitutional and a novelty, he replied that the tendency of modern legislation had been to enable promoters of useful undertakings to carry out their projects without the necessity of obtaining private Acts of Parliament. Then again he was told that he proposed to invest the inspectors with powers which were now possessed alone by that House. That was a misapprehension. At present the Admiralty had power to send down inspectors to make inquiries, but that was only done after a Bill had been introduced into Parliament and a great deal of expense had been incurred. Another objection was raised that the remuneration proposed to be given to the inspectors was insufficient, but if that were so, there could be no difficulty in increasing the amount, and competent men could always be obtained to perform the duties. The Bill would not interfere with the rights of any persons to be heard in matters of this nature, for the inspector, upon proceeding to any place for purposes connected with the construction of piers or harbours, would make public announcement of his intention to hold a public

court, where all persons could appear and state any objections they entertained without the assistance of learned gentlemen or the expense of their fees. If the Admiralty decided against the scheme there would still be an appeal to that House. He was convinced that this Bill would, if it were passed, be of great advantage to many small ports which at present were unable to provide the requisite accommodation for their trade and their vessels. But he was threatened with the jealousy of great corporations, the trustees of certain harbours and navigations; but he did not seek to interfere with their rights, and if the Bill, as it stood, did not satisfy them that their rights would be untouched by it, he would willingly assent to any Amendment that might be proposed for the purpose. He, however, heard that the management of these corporations had not always given satisfaction. It was true, no doubt, that the Clyde Commissioners had done much for the port of Glasgow, but it had been a great misfortune for the ratepayers of Glasgow that the management of the navigation had been placed in the hands of a close corporation. Still, the Bill did not seek to interfere with existing rights, similar measures having been introduced on two former occasions, the principles of which he believed the House had adopted. On the first occasion the right hon. Baronet then at the head of the Admiralty (Sir John Pakington) had expressed himself in favour of such a measure, and he (Mr. Paull) had this year thought it right to submit his plans to the heads of the Admiralty. The noble Lord who represented the Admiralty in that House said he would not oppose it; the noble Duke (the Duke of Somerset), however, said there were many difficulties that might arise in the working of such a measure, and he should like to see the Bill referred to a Select Committee. That suggestion he took to be not only kind, but wise, and it would probably be the means of affording much information. It was said that the Admiralty was overworked, and he thought the inquiry before the Select Committee on the Bill would show in what way the Admiralty was overworked, and might perhaps suggest a remedy. The hon. Member for Sunderland was disposed to rely on the Report of the Harbour of Refuge Commission being adopted, but in the present state of the finances of the country he thought there was no hope of the recommendations of that Commission being carried into effect. That Report had already been before them for eighteen months without any step being taken in accordance with it. He believed that nothing ever would be done upon it, and that it would soon be consigned to that waste-paper basket in which so many similar documents were buried. He thought, then, he might safely ask that the present Bill might be read a second time. If it should be then thought desirable to send the Bill to a Select Committee, he should offer no objections to that course being taken.

Mr. FENWICK said, his objection to the Bill was, that it proposed to give to the Admiralty powers which, up to that time, had been considered to be only in the jurisdiction of that House. By the incorporation of the Lands Clauses Consolidation a man's freehold might be taken away from him against his will by another going secretly and making out his case before the Board of Admiralty. The next point regarded the levying of tolls, which the House had always hitherto kept in its own hands, but which was thenceforward practically to be transferred to the Board of Admiralty. The expense of private Bills was the pretext assigned for these innovations, but it was only when a Bill was opposed that expense was incurred, and even if it were not, he protested against expense being considered an object when freehold rights were concerned. The Inclosure Commission was not an analogous case, for they had no power to take away individual rights in the manner contemplated by the Bill. He hoped the House would reject the Bill.

Sir JOHN PAKINGTON said, that the principle of the Bill had been sanctioned by a very considerable majority in a former Parliament, and he was disposed to view with favour the object which the Bill proposed to effect. He attached very great importance and the country also, to the improvement of the harbours round the coast, with a view to the safety of life and property; and he looked with great anxiety to the decision of the Government on the subject. He held it to be the duty of the Government to give effect to the Report of the Royal Commission, but after the manner in which they had been throwing away the resources of the country by their financial arrangements for the current year, he was apprehensive that, on financial grounds, they would hesitate in carrying out the improvements recommended by

that Commission. He hoped he might be mistaken; he was looking with anxiety to their decision, and pending that decision he would support the second reading of a Bill, the main principle of which was to enable the authorities, in any locality where harbour improvement was necessary, to carry out that improvement without being involved in the cost of a preliminary examination before a Parliamentary Committee. He agreed with his hon. Friend (Mr. Fenwick), however, that the adoption of a measure of this kind ought not to be made the instrument of any invasion of the rights of private parties; but he (Sir J. Pakington) saw no reason why that question could not be satisfactorily dealt with in Committee. Without binding himself to the details of the Bill, he trusted the House would recognize the principle of giving facilities for improving our harbours, and give to the Bill a second reading.

MR. M'MAHON said, he wished to remind the House that municipalities could make any improvement in their town, so far as the land was concerned; they could light, or drain, or ornament the town without coming to that House, but they could not touch the piers or harbours without a private Bill. He hoped the House would pass this Bill, which would complete the class of Bills that enabled towns to take such steps necessary for their own improvement without coming to that House for permission.

LORD CLARENCE PAGET said, that his hon. Friend (Mr. Paull) in persevering with this Bill, had shown a consistency of purpose which certainly was creditable to him. When the hon. Member moved the second reading the other day, he (the noble Lord) stated on the part of the Government that he should offer no opposition to the second reading, but should then move that it be referred to a Select Committee. Doubtless, a sound measure which would tend to lessen the great preliminary expenses in the construction and improvement of piers and harbours would be most desirable. But he was afraid, when the Admiralty officials came to be examined before the Select Committee, that they would object altogether to the vast jurisdiction which the Bill sought to impose on them. Already that department, besides the enormous amount of business devolving upon it connected with the building and manning of ships, had to discharge a great number of extraneous duties having nothing whatever to do with naval affairs; and it would not be matter of surprise that the Admiralty should offer strong objection to a measure which would increase that extraneous labour. Supposing this Bill became law, the result would be that whereas now every project for harbour improvement went before a Select Committee of the House of Commons in each case, the ultimate decision in all those cases would thenceforward rest practically with the Admiralty alone. Besides, the Bill would tend greatly to enlarge the present harbour department of the Admiralty, which would be attended with considerable expense; and he did not think the Board of Admiralty, already overburdened with work, would devote sufficient time to a careful inquiry into all the matters contemplated by the measure. He advised the hon. Gentleman to postpone this Bill, inasmuch as a measure was now under careful consideration by the Government with respect to harbours of refuge, in which, he had no doubt, facilities for the erection of piers and for harbour improvement in other respects would find due place.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 99; Noes 80: Majority 19.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *Wednesday* next.

BLEACHING AND DYEING WORKS BILL.—COMMITTEE.

Order for Committee read.

SIR JAMES FERGUSSON stated that he did not intend to press at present the Motion he had put on the paper for an instruction to the Committee on this Bill, to extend the application of the Bill to print works and finishing works. He took that course, not because he did not believe such an extension would be advantageous, but lest the Amendment might interfere with the progress of a Bill, in which he took a warm interest.

Motion made, and Question proposed,

"That Mr. Speaker do now leave the Chair."

MR. BAZLEY said, he rose to move that the Bill be referred to a Select Committee. He was favourable to legislation on this subject, but he was anxious that labour

should not be oppressed on the one hand nor capital sacrificed on the other. The dyers and bleachers of Lancashire and other parts of the country felt that serious imputations had been cast upon them, and asked for inquiry. He could with truth say that a more respectable class of men did not exist than the master dyers and bleachers, though he was bound to admit that there might be exceptions in respect of the manner in which the workpeople were treated. As a body they were anxious to promote the interests of their workpeople, and did much to improve their position in regard to health, education, and morals. He believed that as the law stood the rights of labour were fully maintained. In factories, work extended from 6 in the morning till 6 at night for five days in the week, allowing sufficient time for breakfast and dinner, while on Saturday cotton-spinning and weaving ceased at 2 o'clock, making a total of 60 hours' for the week. During one week in the year the manufacturers were obliged to give special holidays, when for 7 days the labourers ceased to work altogether. A different Bill applied to print-works, the demand for the productions of which was precarious, and therefore the people were permitted to work within the hours of 6 in the morning and 10 in the evening, though the average hours of work did not much exceed 12 per day. No dissatisfaction existed at the present moment among the operatives in the manufacturing districts. On the contrary, the greatest contentment prevailed. He believed he might say that the most friendly relations existed between the employers and the employed in the dyeing and bleaching works generally though, no doubt, excesses had been committed by individual masters. At the same time he should like to see a relaxation of the hours of labour among this class of operatives, and more opportunities given them for recreation and mental improvement. The factory system of education might be said to be the only national system of education that this country possessed, and he should like to see introduced into any Bill passed with reference to dyeing and bleaching works an educational clause similar to that which was in operation in the factories. He believed the master bleachers and dyers would assent to any reasonable measure, but they objected to being coerced by law into the adoption of a system that would be prejudicial to their own interests and to those of their working people. The hours of labour could not be regulated in dyeing and bleaching works as they were in cotton factories. There were many necessary interruptions to labour in bleaching works, arising from causes over which the masters had no control. There came upon them sudden demands for the bleaching or dyeing of heavy lots of goods, and they were exposed to demands for goods arising in the general market,—thus leading to alternate periods of great activity and interruption in the works. The calico-printers were regulated by Act of Parliament; but calico-printers were also bleachers and dyers. The hon. Member for Bolton proposed that bleachers and dyers should be permitted to work only 60 hours in the week, and yet the printers were permitted to work 80 hours in the week. He was at a loss to understand why a different course was to be pursued with regard to bleachers and dyers as compared with printers, who, to a certain extent, were bleachers and dyers also. He hoped the House would not plunge hastily into legislation on this question, but that they would wait for such further information as might be derived from the inquiries of a Committee. After the inquiries of a Select Committee, it would be easy to frame a Bill which would be acceptable to all parties. It was impossible wholly to dispense with night-work in bleach grounds. He knew that the operatives there employed were an athletic race; the men were strong and active, and the women fair and healthy. Still, he was not an advocate for long hours. After the charges that had been made against the master bleachers and dyers, they had a right to the inquiry he asked for, the result of which he had no doubt would be satisfactory to both employers and employed. In many bleach-works the operatives were only partially employed in summer, and they were sent into the hayfield. The employers only asked for the fair consideration of the House, nor did he ask that the Bill should be rejected. All he desired was that it should be made a just and satisfactory measure.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee." — instead thereof.

Lord ASHLEY said, he objected to the appointment of a Select Committee. There was sufficient evidence already before the

House to enable them to arrive at a sound conclusion on the subject. The promoters of the Bill threw no discredit on the masters of bleaching works. They were free to admit that they were upright, respectable men; it was the system they complained of, not the men. If in any one bleaching work such things took place as had been brought under the notice of the House, that would be sufficient to justify legislation on the subject. His hon. Friend spoke of the uncertainty of orders as a reason why the bleachers and dyers should not be bound down by regulations as to their working hours; but the same arguments were used when the Factory Bill was before the House. The most fatal consequences to trade were then predicted, but everybody knew how those predictions had been falsified. If the opponents of the Bill were ready to reduce the hours of labour, why should they object to legislation on the subject? The Scotch bleachers were ready and anxious to shorten the hours of labour; but they could not do so unless others in the trade did the same. He saw no necessity for further inquiry. They had already the Reports of two Committees, and he doubted whether any more information would be obtained from a third. It could only have the effect of putting off legislation on the subject. Looking to the complications that might arise in Europe, it was not impossible that we might soon require all the bones and sinews that this country could supply. But in the districts to which this Bill would apply we were slowly but surely deteriorating the physical character of our English women and men. During the Crimean war we had recourse to foreign legions because men were not forthcoming in this country. A recruiting sergeant, in one of these districts had reported that many of the men were inferior in physical power, and it appeared that out of 613 men who enlisted, only 238 were approved. He hoped the present Bill would be allowed to pass; but, if not, the object which it aimed at would be pressed year after year till they succeeded in removing this foul blot from the character of this country.

COLONEL WILSON PATTEN said, he would be no party to any attempt to postpone the Bill till another Session. There had already been considerable inquiry into the subject, and he was prepared to legislate upon it at that moment; but he could not see the necessity of applying the same kind of legislation to two very different employments. He did not see why the law regulating factories, where the workpeople were exposed to all the evils of a tainted atmosphere, should be made applicable to persons the greater part of whom were employed in the open air. He acquiesced in the propriety of guarding the labour of the country against abuses; but, at the same time, he was anxious not to do injury to commercial interests. The Bill as it stood would, he thought, unnecessarily and injuriously interfere with an important branch of the manufacturing industry of the country. The House should remember that the trade of the bleacher was by no means one of an unhealthy character. Bleaching, dyeing, and printing were usually carried on in one and the same establishment; and he felt convinced that the best course the House could adopt in reference to bleaching was to extend to it the provisions of the Print Works Act. He believed that an efficient protection would by that means be afforded to young persons engaged in bleaching works. He was aware that there were considerable evasions of the Print Works Act; but he would stringently enforce that measure and all others framed for the protection of the working classes. He was willing to accede to the proposition of the hon. Member for Manchester (Mr. Bazley) if he would give the House an assurance that the inquiry of the Committee should be of a limited character, and should be completed in time to legislate during the present Session. If it were merely to be a renewal of the inquiry gone into on the previous Session he would not be a party to it, and for the simple reason that he would not consent to postpone legislation on this subject when he was himself prepared to legislate on it at this moment. He felt it his duty, however, to say that the manner in which the agitation had been got up did not altogether meet his approval. It happened that those who prepared petitions were not over nice in stating the objects for which they were required. In the present case means had been resorted to which should be anxiously watched by that House. There was a petition presented against Mr. Hardcastle, in the neighbourhood of Bolton. That gentleman had presented a petition in reply, in which he stated he had analyzed the signatures of those who had been represented as his workpeople, and he found that among one hundred signatures many of

them were not his workpeople, and some of the signatures were signed twice over. Mr. Hardcastle had been represented as having worked 17 hours consecutively; but, according to a monthly average for the year 1859, the hours of labour were 8½, 11, sometimes 9, but never in any month exceeding 12½. He thought that such petitions ought to be subjected to the most careful inquiry before being made the basis of statements and the ground-work of legislation.

Lord JOHN MANNERS said, that when the Bill of 1855 was before the House it was proposed to put the bleachers under the Print Works Act. It was said, however, that they ought to be under a Bill framed upon the Factory Act. Now it was proposed to legislate for the bleachers by putting them under the Factory Act, Parliament was told that they ought to be put under the Print Works Act. The object of the hon. Member for Manchester (Mr. Bazley), if the House might judge from his speech, clearly was, not to discuss the clauses of the Bill, but to reopen the whole controversy. What was the reason alleged for referring the Bill to a Select Committee? That some of the master bleachers felt themselves aggrieved by the statements made about them, and they therefore craved an investigation. If the House assented to the proposition of the hon. Gentleman on the grounds stated by him they would reopen the whole question, and plunge the unfortunate Select Committee in a dreary task like that which he and other Members were engaged in for a whole year, which resulted in the two great blue-books he held in his hand. If the Committee were granted hon. Members must make up their minds to shelve the Bill for the present Session. The principle of the Bill, however, had been affirmed by an overwhelming majority, and it was not fair either to get rid of it or postpone it under the guise of referring, not the measure itself, but the whole of the statements made in reference to the Bill to a Select Committee. Let the House, if it thought fit, appoint a Select Committee with the special view of rehabilitating the character of any of the master bleachers who complained of mistatements; but let the Bill go through Committee without any unnecessary delay. He felt convinced that the House would only lower itself in the eyes and affections of the working classes if they entertained the proposal of the hon. Member for Manchester. That hon. Gentleman, in the face of the laborious investigation to which he had just referred, implored the House not to legislate hastily. Manchester had the character of not being very slow in regard to legislation, and if the hon. Member for Manchester thought that to legislate on this subject now would be to legislate hastily, could the hon. Member ever ask the House to legislate at all? The matter had already undergone a thorough, minute, and laborious investigation; it was now ripe for legislation, and he trusted that the House would go into Committee and pass this Bill.

Sir JAMES GRAHAM said, he could assure the House he was sorry to be once more involved in a short-time discussion. He had, however, a confession to make to the House. On a former occasion, after hearing a speech from the hon. and learned Gentleman the Member for Sheffield, he voted with the majority in favour of the second reading of the present Bill. Having given that vote nothing should induce him to take a course which should have the effect of shelving for the present Session a measure the second reading of which he had frankly supported. He had said he had a confession to make. Experience had shown to his satisfaction that many of the predictions formerly made against the Factory Bill had not been verified by the result, and that, on the whole, that measure had contributed to the comfort and well-being of the working classes, while it had not materially injured the masters. That was the conclusion at which he had arrived. He still, however, maintained the opinion that there were many material and necessary distinctions between bleaching and dyeing and other manufactures which required to be considered. In 1845 he resisted the extension of the short-time provisions to print works and bleaching and dyeing works. The Legislature then extended the short-time provision to print works, but recognized the distinction between print works and the great manufactures of cotton, wool, &c. Hitherto the Legislature had not thought fit to extend the short-time provision to bleaching and dyeing works. The House would of course take care that in dealing with such important interests, while on the one hand they did not disregard the welfare and comfort of the employed, they would not on the other hand forget the rights of capital and the interests of trade. There was a great distinction which must be borne in mind be-

tween bleaching and dyeing as carried on in different parts of the country. Provisions that were applicable to bleaching and dyeing in England were not applicable to Ireland, and only partially applicable to Scotland. In one part of Scotland, for example, bleaching and dyeing was strictly analogous to the same process in Ireland, where it was carried on in the open air and by the natural process of water only; whereas in England and in some parts of Scotland it was carried on by chemical process and in rooms of a high temperature. All these facts were intimately connected with the health and comfort of the workmen and the interests of the capitalists and required careful discrimination and attention. On the whole, he was of opinion that it would be wise to refer the Bill to a Select Committee; not, however, for the purpose of shelving it or renewing the whole inquiry, as the noble Lord (Lord John Manners) predicted. With regard to the inquiry that had already taken place by a Select Committee, he must remind the House that the result of that laborious inquiry, and the contents of the blue-books which the noble Lord held up to alarm the House, was a recommendation by the Select Committee that the House should not legislate at all. With respect to the report of Mr. Tremenheere and the adverse statements on both sides, he felt bound to say that in all the questions much agitated in the country there was great exaggeration on both sides — exaggeration of the evils to which the workmen were exposed, and also of the dangers which the employers apprehended. The result of long experience had led to legislation on this subject, based gradually upon compromise. It had led to an extension of the Short Time Act to print works, and now the time had arrived for extending it to bleaching and dyeing works. Still, for the reasons he had given, that extension ought to be made with great caution and some forbearance. He was opposed to a general inquiry, which had been exhausted, both by the former Select Committee and the Commission. Nor could he agree with the hon. Gentleman who had moved for this inquiry, in the propriety of including, as a subject of reference to the Committee, the grievances of certain gentlemen who were the employers of hands in bleaching and dyeing works and who complained of certain allegations made against them. Those were matters which ought not to be investigated by the Committee to which this Bill might be referred. He would observe, in passing, that he had no faith in general statements with respect to the average number of hours during which workpeople were employed. The statement made by his hon. Friend (Colonel Wilson Patten) that the average number of hours in a certain establishment did not exceed 12 hours and a-half a day for a year, was no satisfactory answer to any allegation that the workpeople, for example, were employed for 48 or 60 hours consecutively. [Colonel Patten: I quoted a monthly and not a yearly average.] It was quite possible that with a monthly average of 12½ hours the hands might have been employed 48 or 60 hours consecutively, so that the average was to be regarded with great suspicion. He was anxious that the House should legislate on this subject during the present Session. Still, great caution was necessary in dealing with the details of this measure, which would be best exercised by a well-selected Committee of that House. He thought that the instruction to a Select Committee ought to be drawn with care, and that they should be directed only to receive evidence to such an extent as would enable them to investigate the necessity of a modification of the existing law, and the grounds which might exist in particular cases for special exemption. The enactments of the present Bill ought to approach as near as possible to those of the Factory Act and the Print Works Act in England and Scotland, where the process was carried on in heated rooms; but in Ireland, where the work was carried on in the open air, it was a great question whether there should not be an entire exemption from the Bleaching and Dyeing Act. Wishing, therefore, that the matter should be carefully examined, and disclaiming any desire to shelve the question, being anxious, indeed, to see a law passed during the present Session, he should yet vote for the Select Committee upon the understanding to which he had referred. The noble Lord the Member for Cricklade (Lord Ashley) had talked rather disparagingly of the deterioration of the fair sex in connection with the necessity for this Bill. The noble Lord, being a young man, was a better judge on that subject than himself; but, old as he was, he was not conscious of any deterioration in that sex. With regard to the courage, the endurance, and the high mettle of the male population, it was not necessary to

go so far back as the Crimean war, for they had witnessed a recent proof in the pugilistic ring that these qualities existed in as great perfection as ever among our fellow-countrymen.

Mr. HENLEY said, he thought that there ought to be no reference to a Select Committee which did not recognize the principle of legislation already affirmed by the House as equally sound in its application to this particular branch of industry. He agreed with the right hon. Gentleman (Sir James Graham) that no Committee ought to be appointed to go into an examination of exaggerated statements either on one side or the other. That would be a perfect waste of time. It would also be a waste of time to go into the general question of short time, and the Committee would have to take care that the inquiry was not raised into what lawyers called a dilatory plea. With that understanding he thought it would be safe to refer the Bill to a Select Committee. The clauses were by no means simple, and it was not quite easy to see how some of them would operate. There was no question whatever that the case of bleaching and dye-works carried on in the open air, in which the hours of labour were to a great degree restricted by natural causes, and that of works carried on in a highly heated and close atmosphere was essentially different. But plenty of evidence could be taken if necessary to enable the Committee to frame clauses to meet the different cases. He, like the right hon. Gentleman, had no faith in averages. If the hon. Gentleman (Colonel W. Patten) had given the House the longest number of hours during which the hands had worked on any day in the month, and also the shortest number, the House might form some opinion, but without this an average of the daily number of hours was not worth the paper it was written upon. The Bill might be referred to the Select Committee, and then, if they found they wanted to take evidence on any special point, they might come to the House, and ask for the power to examine witnesses. With a well defined restriction of this kind he had no objection to a Select Committee, but if a Committee were left with a wide instruction any legislation on this subject would be shelved for the present Session.

Sir EDWARD COLEBROOKE was averse to going into any general inquiry on this question, inquiry having been already carried to a great extent. Having voted for the second reading of the Bill, he was unwilling to take any steps which would stop legislation, but he thought the suggestion of the right hon. Gentleman who spoke last was a reasonable one, and he recommended its acceptance to the promoters of the Bill.

Mr. TURNER said, he would confess that he had done his best to prevent legislation on this question. Is was with that object that he divided the House on the second reading of the Bill, but he was sorry to say that the highly wrought appeal to the feelings made by the hon. Members for Sheffield and Oldham produced such an impression on the House that reason was put out of view and legislation determined upon. He had no intention of re-opening that question. He was ready to submit to the decision of the House, and to accept it as settled that there was to be legislation in regard to this matter, although he must say his opinion on that point remained unchanged. It had been said that there was no necessity for a Committee, as this subject had been already fully investigated. But it should be remembered that the former Committee, which was as fairly constituted as any that ever was appointed by the House, and conducted the inquiry in a most thorough and elaborate manner, reported against legislation, and contented themselves with a recommendation to the bleaching trade to lessen the hours of labour and improve the comfort of their hands as far as possible. He maintained that, beyond all doubt, the bleachers had carried out the recommendation of the Committee. He had no wish to throw any obstacles in the way of a full investigation of the whole question by a Select Committee, the result of which, he was confident, would be to clear the bleachers from the aspersions which were cast upon them by hon. Members in the discussion on the second reading of the Bill. The Amendment of his hon. Friend, however, proposed only to remit the Bill to a Select Committee, and they would therefore go into Committee to determine what clauses could be satisfactorily admitted. He observed that various trades —the linen trade of Ireland, and he supposed, also, of Scotland, the Turkey red dyers, and so on—demanded exemption from the operation of the Bill. On the other hand it was proposed to include within its scope the printers, calenderers, &c.; and, indeed, if they imposed these restrictions on the bleachers and dyers, why

should they not extend them to all sorts of warehouses and manufactories? Legislation of this nature once entered upon it was difficult to see where it would stop.

MR. PACKE said, he would remind the hon. Gentleman who had last addressed the House that although no recommendation to legislate was made by the Committee, a proposition to that effect was only rejected by a majority of two. He certainly thought they were in the possession of sufficient evidence in the blue-books to proceed to immediate legislation. Very great cruelties and hardships were committed in such works as those alluded to, and the unfortunate workpeople must either put up with them or starve. It had always hitherto been found that the substitution of short for long hours had been attended with great advantage to the workmen, and had been no loss to the masters.

MR. ROEBUCK said, that after the observations of the hon. Member for North Lancashire (Colonel Wilson Patten), it appeared to him necessary to say a few words to remind the House of the actual position of the question. It was proposed to apply the Factory Acts to the bleachers and dyers, but it must be admitted that the operations performed by those trades were very different from those which were performed by the persons who came under the operation of the Factory Acts. Therefore, to apply to them wholesale and without modification, the provisions of the Factory Acts would be to inflict injury upon the masters, without benefiting the working classes. He must say that, having read carefully the evidence given before the Committee, he had come distinctly to the conclusion that legislation was requisite. The hon. Member who moved the Amendment said he had come to that conclusion also, but he must forgive him for saying that his speech was altogether opposed to that admission. It was clear that in the hon. Gentleman's mind he was really opposed to legislation, although conquered by the majority of the House he and his Friends had succumbed. They now expressed their willingness that legislation should take place, but insisted that the legislation proposed was not altogether fitted for the case. He had no doubt there was some truth in that. He could well understand that the bleachers and dyers required provisions very different from those of the factories, and that, therefore, there ought to be a modification of some of those provisions. Having come to the conclusion that legislation was requisite, and being determined, as far as he was able, it should take place this year, he wanted to know whether to remit the Bill to a Select Committee would completely prevent its passing during the Session? In his opinion, if there was a well-selected Committee, consisting of men all of whom were resolved that legislation should take place at once, and empowered only to discuss this Bill and not to take evidence, their business would be so short that they would have an ample opportunity in a very few days of framing a Bill which would obviate the difficulties pointed out by the bleachers and dyers. Under such circumstances, he thought the Bill might safely be remitted to a Committee, but it must be clearly and distinctly understood that the House was determined to legislate upon the subject this year. And now, he wished to tell the hon. Member for Manchester (Mr. Turner), who charged him with aspersing the bleachers and dyers, that he never aspersed anybody. The evidence which he read might cast certain imputations upon gentlemen engaged in those trades; he would not say it did not; but that evidence was printed by this House and circulated throughout the country. All he did was to lay before the House evidence which had been given to the Select Committee and to the Commission appointed by the Crown. If the hon. Gentleman thought that was aspersing his friends, all he could say was that he hoped many people, hereafter, would be aspersed in the same manner. That evidence had not been contradicted. He felt deeply the miseries which had been inflicted upon many of his poor fellow-countrymen. As he said, his blood curdled when he read the statement, and he believed that the House strongly sympathized with him when he communicated it to them. That they did so was shown by the large majority which had struck down for ever the fallacy that no legislation was required. Irresponsible power was always abused. When the bleachers and dyers possessed irresponsible power they abused it, and it was the duty of the House to come forward and protect the poor and the young, those who were unable to protect themselves. If they could effect that object by means of this Bill, then it was their duty to pass it. He believed that to remit the Bill to a Select Committee, to consider how the interests of capital and labour might

be conciliated, would not postpone the measure for the Session, but only for a few days; and therefore he recommended the House to agree to that course.

Mr. COBBETT said, he wished to vindicate himself from the charge of having been careless or inaccurate in the statements which he made to the House in regard to this subject on a former occasion. The facts which he then submitted to the House were furnished by a person who held the situation of overlooker, or something of that sort, in a bleaching work. He had known of the man before; he believed he was one of the witnesses examined before the Committee of the House, and he saw no reason to doubt his statements. They showed that in spite of the recommendation of the Committee the hours of labour in bleaching factories had not been lessened. The hon. and gallant Member for North Lancashire had not alleged that that statement was inaccurate. The hon. and gallant Member said that he (Mr. Cobbett) had presented various petitions from bleachers and dyers—among others from some of those employed in the establishment of Mr. Hardcastle—containing statements which could not be substantiated. He did not recollect having presented the petition especially referred to; but it was obviously impossible for any Member to make inquiry, before presenting a petition, into the character of the person who sent it to him and the truth of its allegations. He took care always to see that any petitions he presented were drawn up in the proper form, and contained nothing disrespectful to the House; but it so happened that in regard to one or two of the petitions referred to the statements therein set forth appeared to him so startling and incredible that he withheld them until he had made inquiry, and found that they did not overstate the case. He himself visited several of the bleaching works, and examined the various departments as far as he was permitted to do so by the proprietors. He went into the stoves, and endured as long as he could, and that was but a very short time, an atmosphere heated to 130 degrees. He convinced himself by personal observation that what the petitioners stated was true. What more could he do? He denied that he had cast any aspersions on the bleachers and dyers. He merely stated the hours of labour in various works. If that were a calumny, then had he indeed calumniated them. To show that at the present moment the same oppressive system was still being carried on without the slightest abatement he would beg permission to refer to a letter which he had received on the previous day from a person named Stuart Fletcher, 48, Bradshaw Street, Hulme. The writer stated that the bleaching works in that district had not shortened their hours of labour, and referred as an instance to the establishment of Mr. Heywood, Salford, where the hands had been worked from 6 A.M. to 10 P.M. for the last six or seven months. Now, this Mr. Heywood was one of the warmest advocates of legislation in regard to bleachworks, and had assured him (Mr. Cobbett) that the hours of labour in these places would never be shortened until they were brought under the Factory Acts. But, of course, if one master kept long hours the others must do so too. Agreements might be made not to work beyond a certain time; but, as in the case of the Scotch bleachers and of the manufacturers, they were always violated. He could not consent to the Amendment which had been proposed. He knew so much about this subject, and of the pressing necessity which existed for legislation, that he would be voting against his conscience if he consented to send the Bill out of the House for one hour. The Print Works Act, which had been eulogized in the course of the discussion, was, in truth, little more than a dead letter. It was not generally observed, and he knew that in some instances the printers were kept at work all night in defiance of the express provisions of the Act. He was of opinion that the "finishers" were a body of men who ought to be included in the Bill of the hon. Member for Bolton. Stuart Fletcher, the correspondent to whom he had before referred, had given him a statement of the hours of labour of three persons in the house of Messrs. R. Charlton and Sons, Manchester. During the four weeks from the 9th of April to the 5th of May, the "finishers" were repeatedly kept at work from 6 o'clock in the morning till 12 o'clock at night, or from 8 o'clock the one morning till 2 o'clock the next, without any interval for dinner. Surely this class were entitled to protection not less than the bleachers and dyers. As he had said. he was in favour of immediate legislation, and could not consent to postpone the Measure for a moment.

Major EDWARDS observed, that hon. Members must know from experience that

if they agreed to a Select Committee, the Bill would be shelved, at all events, for the present Session. They could not have forgotten the difficulties which attended the passing of the Ten Hours Bill, and the number of years which were spent in discussing its merits. Again and again it was postponed to satisfy the demands of its opponents for further investigation. Inquiries were repeatedly instituted, but they brought the House no nearer to a conclusion; and so the contest was prolonged, until the Earl of Shaftesbury, then Lord Ashley, brought the question before the House and carried the measure. Living in one of the most populous districts of England, he could bear testimony to the advantages of the Factory Act. It was one of the greatest blessings ever conferred on the factory workers, who were deeply grateful to Parliament for having passed it. If that Act had operated so beneficially in regard to the woollen and cotton manufactories, why should it not be extended to the bleaching and dyeing trades? He was confident it would prove as great a boon to the one as to the other; and he hoped the House would grant it. He would vote against the Amendment.

SIR GEORGE LEWIS said, that the narrative which the noble Lord the Member for Leicestershire (Lord J. Manners) gave in relation to the proceedings on this question was not quite as complete as it was accurate. It laid before the House the truth, but not the whole truth. The noble Lord stated that the question was first referred to Mr. Tremenheere, who reported that the bleaching and dyeing trades ought to come under the provisions of the Factory Acts. That the subject was then amply investigated by a Committee of the House, who sat for two years, and afterwards the Bill was brought in, the second reading of which was carried by an overwhelming majority. But the noble Lord omitted to state the material point, which was, that the Committee of the House recommended that no legislation should take place with regard to the trades in question; and therefore the recent decision of the House, of which he wished to speak with entire respect, was in conflict with the opinion of the Committee. He thought, therefore, the House would see that the vote they ought to come to was not quite so clear and obvious as the noble Lord wished them to believe. The present state of the law was this:—Certain trades were subject to the Factory Acts, while the printers of cotton and other goods were subject to the Print Works Act. The bleaching and dyeing trades were affected by neither of these Acts; and the object of the Bill before the House was to bring them under the operation of the Factory Act. It did not, however, profess to deal with the trades which were subject to the Print Works Act. There were, it appeared, certain houses which combined dyeing and bleaching with printing; and the question arose whether, if this Bill were to pass, they would be subject to the Factory Act, or to the Print Works Act, or partly to one and partly to the other. A deputation which he had the honour of receiving had referred very strongly to this difficulty, and the House, in case it undertook to deal with the question, would be under the necessity of introducing some clauses bearing on this point. He concurred with hon. Members who had spoken, in the belief that, after the deliberate vote given on the second reading of the Bill, it was not desirable that evidence should be gone into by a Committee, as this must have the effect of rendering legislation impossible during the present Session. The Question, therefore, narrowed itself into the consideration whether the clauses of the Bill were more likely to be settled in a satisfactory manner by a Committee of fifteen Gentlemen sitting upstairs, or by a Committee of the whole House. His own opinion would be in favour of a Committee of the whole House, but on this point he was prepared to consult the wishes of the promoters of the Bill. The sitting of a Select Committee could not occupy more than a few days, and, as it was not probable that another Wednesday would be obtained for this Bill during the next four or five weeks, while the House would hardly be disposed to proceed with its clauses between the hours of 12 and 2 A.M., no loss of time was to be anticipated in case they decided on referring to a Select Committee.

SIR JAMES FERGUSSON said, he was in possession of evidence to show that the bleachers and dyers would not be satisfied with being placed under the provisions of the Print Works Act, and he had received numerous communications from operative printers desiring that the benefits of this Bill might be extended to them. He strongly opposed the Amendment, for it was quite possible that if the Motion for referring the Bill were agreed to, a Select Committee might

be nominated, which would be inimical to the measure, and which, as a last resource, would adopt the Print Works Act in preference to the Bill of the hon. Member for Bolton. It was a significant fact that the hon. Member for Manchester had warmly adopted the suggestion of referring the Bill to a Select Committee, while avowing at the same time that he had always been, and still was, opposed to all legislation on the subject. It was stated by Mr. Tremenheere in his report that, even where the buildings were dry and the localities favourable, the rate of work—eleven or twelve hours a day—in these establishments was more than young girls could properly stand. He was in possession of a letter from an overseer who had thrown up a lucrative situation in a print work in order that his daughters might have the advantage of employment in factories where the hours were regulated by law, and where they would not be exposed to the demoralizing influences of protracted labour. He trusted the House would remember the spirit in which the second reading was carried a few weeks ago; for, if they now refused to proceed with the Bill in the usual manner, thousands of persons who were looking to it for protection would believe that their councils were marked by a vacillating policy.

Mr. CONINGHAM said, he thought the time had come when the House ought to legislate on the subject, and he hoped the recommendation of the hon. Member for Oldham (Mr. Cobbett) would be followed.

Mr. CROOK remarked, that he saw no reason why the House should deviate from the usual course on the present occasion. With reference to the case of Mr. Hardcastle, which had been referred to in the course of the discussion, he found that the week before last a young man had been summoned for leaving his work without giving notice. It was there deposed before a magistrate that the practice had been to come to work about 6 A. M., and, with the interval of a quarter of an hour for breakfast, to work till 12 o'clock; half an hour was then allowed for dinner, and another quarter of an hour for tea; in all an hour in the day for meals; and the evidence established that the people worked frequently on for sixteen hours in the day. Since then half an hour had been allowed for breakfast, an hour for dinner, and half an hour for tea; but the duration of the work was still extremely severe. He felt certain the House would not refuse justice to the workpeople who sought it at their hands.

Sir HUGH CAIRNS said, some confusion had arisen owing to the quantity of advice which the House had received, and he did not think the hon. Gentleman who had just sat down had contributed to enlighten them. But there were two questions which stood out distinctly, and those were—had the House sufficient facts to legislate upon, and, if so, what was to be the character of that legislation? For his own part, he did not believe that further investigation would be attended with beneficial effect; having read, he was sorry to say, the entire of the three blue-books on the subject, he thought there never was a case in which, allowing for a little exaggeration on either side, it would be easier to arrive at the truth. But, as regarded the nature of the Legislation to be adopted, it must be remembered that there were particular circumstances connected with the process of bleaching to which the provisions of the Factory Acts would be wholly inapplicable. Inasmuch as the hon. Gentleman who had charge of the present Bill had shown no desire to adapt the provisions of that Act to the peculiarities of the bleaching trade, the only alternative was to discuss the matter where it could be more fully entered into than by the whole House—namely, before a Select Committee. He was not blind to the importance of legislating during the present Session, so that processes which were to be exempted, and those whose claims to exemption were not to be allowed, might equally know their fate; but, as the hon. Gentleman could not expect to take up the discussion much earlier than three weeks hence, when these details would all have to be considered, it was a fair question whether the progress of the measure, instead of being retarded, might not be facilitated, by being referred to a Select Committee, which might in the interim report on all points of detail. As to the terms of reference, these would, of course, embrace the consideration of the different clauses, and it should be understood that unless particular questions arose as to which evidence was felt to be desirable, application for power to take such evidence would not be made to the House.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 184; Noes 147: Majority 37.

Sir James Fergusson

Main Question put, and *agreed to.*

House in Committee.

(In the Committee.)

Clause 1.

SIR HUGH CAIRNS said, he proposed to add certain words to the clause which would have the effect of exempting from the operation of the Bill the processes connected with bleaching in the open-air. In their case identity in name had been mistaken for identity of trade, for the "bleaching" carried on in England and Scotland was entirely distinct from that which took place in Ireland. To justify the extension of the law to works of the character to which he referred it must either be shown that the trade itself was unhealthy, or that the number of hours during which the employment was continued required the interference of the Legislature. With regard to the first branch, they had the evidence of Mr. Tremenheere that the occupation was very healthy, being principally out of doors, and consisting in hanging up yarns and stretching them on poles, while the various bleaching and steeping processes indoors were carried on in well covered and airy buildings. There was no evidence to show that the employers had ever overworked their hands, or had carried on their operations in such a manner as to be injurious to them. With regard to the operatives themselves, there was no desire on their part to have this Bill extended to them; this was allowed by all the witnesses examined before the Committee. The consequences of extending the measure to open-air bleaching would be most injurious to the trade. And if a measure were passed to unjustly cripple the power and discretion of the owners of bleaching works, the result would be that they would confine the employment in their works to adult labour. It was said that part of the operations were carried on under cover, but although that was the fact, yet as the work done in doors depended upon that done out of doors, and could not go on faster than the latter, consequently no overwork could practically take place. He admitted that in the stoves the heat was so considerable—perhaps 80 or 90—that they were not places where excessive labour ought to be carried on; but the fact was, that excessive work was not done there. Very rarely, indeed, was there any excess of the twelve hours of labour, with the allowance of two for meals. What he asked the Committee, therefore, was, not to show a favouritism to certain places, but to distinguish between processes which were entirely different.

House resumed.

Committee report Progress; to sit again *To-morrow.*

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, May 10, 1860.

MINUTES.] PUBLIC BILLS.—1ª Paper Duty Repeal. 2ª Public Improvements; Petitions of Right; Exchequer Bills (£13,230,000); Customs Bill.

INDIAN FINANCE.

THE MARQUESS OF CLANRICARDE said, he presumed the Government would have no objection to produce to the House the Minute which had been published by the Governor of Madras, respecting the finance of India. He understood that the Government had promised to produce them in a few days to the other House of Parliament, and he trusted they would also be placed on the table of their Lordships' House with as little delay as possible.

THE DUKE OF ARGYLL said, that the Minute of Sir Charles Trevelyan would in a few days be presented to both Houses of Parliament.

LORD MONTEAGLE said, he would again complain of the non-production, by the Indian Department, of certain Returns required by Act of Parliament to be laid before the House; and said that if similar neglect were in future exhibited, he should more seriously call their Lordships' attention to the subject.

STATUTE CRIMINAL LAW CONSOLIDATION BILLS.

OFFENCES AGAINST THE PERSON BILL.—COMMITTEE.

Order of the Day for going into Committee on the Offences against the Person Bill read.

THE LORD CHANCELLOR said, this was one of seven Bills for the consolidation of the Statute Criminal Law, which stood for Committee that evening. The subject had been before Parliament for many years,

and he took no credit to himself in respect to the production of these measures, except that of continuing the labours of his predecessors. As their Lordships would remember, many years ago Commissioners were appointed to consider the subject of the codification of the law. Those Commissioners pursued their inquiries with great labour and diligence; they presented eight or ten Reports, which were subsequently reduced to the shape of Bills; but ultimately the codification of the whole of the law was found to be impossible, and it was, therefore, resolved to attempt only the consolidation of the Criminal Statutes, together with the assimilation of the criminal laws of England and Ireland. Such was the origin of the present Bill, and the set of Bills of which it formed one, which he hoped would receive the favourable consideration of their Lordships. It was only by placing a certain degree of confidence in those who had been employed to prepare the Bills, that the work of consolidation could be brought to a satisfactory conclusion. The Commissioners had done their best to fulfil the mission intrusted to them: the Bills had been referred to a Select Committee of their Lordships, which had been attended by lay, as well as by law Lords, and had been reduced to such a shape as that their Lordships might advantageously agree to them. He trusted their Lordships would not lose the present opportunity of effecting at least a partial consolidation of the criminal statutes.

Lord BROUGHAM said, he was satisfied that the limited amount of codification now proposed would be of infinite benefit; but hoped that ultimately the common law would also be reduced to a system.

The Marquess of WESTMEATH complained that the drivers of private carriages were not so amenable to punishment as they should be for any injuries which might be caused by furious driving or carelessness; and that the punishment awarded to offenders against the person was not so heavy as the nature of the offences demanded. In cases where such persons had caused the death of another by careless or furious driving, the offenders had been sentenced to two months' imprisonment only; though it would be hard to distinguish between their offence and that of some classes of murderers. By law the driver of a hackney carriage, who caused the death of another by driving over him, was liable to be indicted for a felony. He wished to see the drivers of private vehicles placed upon the same footing as those of licensed carriages.

The LORD CHANCELLOR said, the provisions of the Bill were taken from an existing Act, which was among those which were to be consolidated, and which was confined to the drivers of public carriages. The difference in the punishment awarded to them over the drivers of private carriages was, that hard labour was added to imprisonment, in the case of the former class. The reason of this distinction, he supposed to be, that drivers of public vehicles had charge of the persons whom they carried for hire; whereas drivers of private carriages had no such interest, and there being no special interest in the case, were left to the operation of the common law. With regard to crossings, a person using them was bound to do so with ordinary care; and if any driver did not display a proper amount of caution in passing them, he would be liable to criminal indictment.

Lord CRANWORTH said, the clause was a mere consolidation of the laws applying to public carriages, and had no reference to private carriages. In consolidating the law, the only defects which could be corrected were palpable mistakes, the Amendment of which would give rise to no difference of opinion. He desired to take that opportunity of acknowledging the very great assistance the Select Committee had derived from Mr. Greaves, an eminent member of the Bar, whose knowledge of all the branches of the law bearing upon their labours was most astonishing.

Lord ST. LEONARDS referred to the insuperable obstacles which had hitherto beset all attempts at the codification of the criminal law. The difficulty encountered in defining the word "murder" of itself ultimately led to the abandonment of one of those attempts. The various Bills which had been introduced for this object had cost the country not less than £100,000, and he doubted whether the expense would be compensated by the result.

Lord WENSLEYDALE addressed a few observations to the House which were inaudible.

Lord PORTMAN pressed the necessity of making some alteration in the law relating to aggravated assaults on women, since the parties by whom they were committed did not care at all for mere imprisonment. He suggested the propriety of enabling the magistrates to add hard

labour to imprisonment in cases of aggravated assaults.

The LORD CHANCELLOR said, he did not approve of the magistrates, in cases of summary conviction, being empowered to inflict the punishment of hard labour.

The Marquess of WESTMEATH hoped that a provision would be introduced to the effect that the same penalty should follow where mortal injury was inflicted by a private as by a hackney carriage.

The House went into Committee on the Larceny Bill.

Lord BROUGHAM thought the only practical course for their Lordships to take, if they ever wished to pass these Bills, was to place all but unlimited confidence in those who had gone through them upstairs.

House in Committee.

Amendments made.

The Report thereof to be received *to-morrow.*

The other six Bills having for their object the consolidation of the statute criminal law—namely:—

(2.) Larceny, &c., Bill.
(3.) Forgery Bill.
(4.) Malicious Injuries to Property Bill.
(5.) Coinage Offences Bill.
(6.) Accessories and Abbettors Bill.
(7.) Criminal Statutes Repeal Bill also passed through Committee.

CUSTOMS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Earl GRANVILLE moved that the Bill be now read 2ª. The noble Earl explained that the operation of the Bill, which had passed the House of Commons after much discussion, would be to simplify the tariff and to relieve the consumer by the reduction and abolition of duty to a considerable amount. He should, under ordinary circumstances, deem it to be his duty to enter into a detailed explanation of the provisions of the measure, and into an enumeration of the various articles with which it proposed to deal; but as most of the points to which he should have to call their attention were connected with the general question of the French Treaty, upon which a general discussion had already taken place in that House, and their Lordships were therefore already acquainted with the arguments and with the general scope of the Bill, he should refrain from occupying their attention at any length with respect to it, and content himself with expressing his readiness to furnish the House with any information on the subject which might be required at his hands.

The Earl of DERBY: If, my Lords, we who sit on this side of the House offer no objection to the Motion which upon behalf of the Government the noble Earl has just made, and if we abstain from taking advantage of the opportunity which now presents itself to enter into a discussion of the Treaty with France, the tariff, and the general financial policy of the Government, it must not as a consequence be supposed that we acquiesce in, much less approve, the line of policy which in this respect Her Majesty's Ministers have pursued. At the time when we were first made aware of the proposals which by means of the Treaty were sought to be carried into effect we stated the objections to them which we entertained, and I need hardly say that those objections, instead of being removed, have been rendered still stronger in proportion as we have become better acquainted with the details of the instrument itself. The fact is, my Lords, that each day that passes renders firmer my conviction that the Government, in making use in the negotiation of this Treaty of inexperienced agents, in departing from the ordinary course of diplomatic arrangement and in entering into the consideration of an important subject with inadequate means and information, have brought the country into a position of very serious difficulty; have made a very disadvantageous Treaty, and have, so far as all the contingent advantages which it was supposed we were to derive from its operation are concerned, left us absolutely and entirely at the mercy of the French Government — who, from the accounts which we now receive, are not, so far as I can see, very desirous to exercise any great degree of moderation in acting up to the powers in the matter which have been placed in their hands. While, however, these are the sentiments upon the question to which I feel it to be my duty to give expression, I concur with those who think that it is desirable the occasions should be as rare as possible on which your Lordships should feel it to be incumbent upon you to reject propositions connected with the finances and commerce of the country which have obtained the sanction of the House of Commons, and which come up to us stamped with the *imprimatur* and responsibility of Her Majesty's advisers.

And if that be a course which it is expedient to refrain from adopting under ordinary circumstances, the reasons which operate against its being taken—when the question is not only one between your Lordships and the other House of Parliament, but one which involves the issue of our negotiations with a foreign Power and the adherence to a Treaty to which, however disadvantageous to us it may be, we are so far bound as to render it impossible for us to retrace our steps—acquire considerably increased force. I may add, that from a Bill of the nature of that which we are now considering, and which, as your Lordships are aware, comprises a great variety of articles, it would not be possible for us to eliminate any one of its provisions, and send the measure back so altered to the House of Commons, without an interference with the privileges of that branch of the Legislature. No alternative, therefore, remains to us, except that of either assenting to or absolutely rejecting the Bill as it stands, the result of adopting the latter course being that we should disturb the whole of the financial arrangements of the Government, and not only that, but materially interfere with those commercial arrangements which have been entered into by the commercial world upon the full reliance that that scheme would receive the assent of Parliament. I am, under those circumstances, of opinion that we should be acting unwisely in rejecting the Bill, and I, for one, should certainly shrink from taking upon myself the responsibility of asking your Lordships to pursue that course, notwithstanding the fact that I regard the whole of the arrangements which have been made by the Government, including the Treaty, as being of a most improvident and dangerous character; and the financial position of the country, as a consequence, not only in the present year, but perhaps still more as regards the next, as being one which is calculated to create the deepest anxiety in the mind of every man who gives the slightest consideration to the progress of public affairs and to our financial and international policy. There are undoubtedly proposals embodied in this Bill which, if carried into effect, will tend to aggravate the difficulty, inasmuch as it provides for the remission of duties which upon a more fitting occasion it might be just and expedient to abolish, but with which we cannot at present afford to dispense. We are nevertheless, as it were, compelled to give our assent to those proposals, and thus far to diminish the already too attenuated revenue of the country. There is, however, another subject—I refer to the abolition of the paper duty—with which the terms of the Treaty do not in the slightest degree interfere, with respect to which no commercial arrangements have as yet been entered into, and in dealing with which Her Majesty's Government call upon us to make a wholly useless and dangerous sacrifice of nearly £1,500,000 of public revenue. My noble Friend on the cross benches (Lord Monteagle) has given notice of his intention to oppose the second reading of the Bill in which this proposal is embodied; and I, for my part — feeling that its rejection, so far from embarrassing Her Majesty's Government, interfering with their other arrangements, prejudicing the course of business, or proving injurious to the financial position of the country, would rather tend considerably to the advantage of each—will do everything in my power to accomplish that rejection, and so preserve a large sum of money to the Exchequer and a large portion of the revenue to the State. I cannot help adding that I think that the noble Earl, following the Chancellor of the Exchequer in his calculations, has confounded two matters. He treats the reduction made in the tariff as being a relief to the consumer to a certain amount, and assumes that the loss to the revenue will be made up by the increased consumption that will be occasioned. But when the noble Earl assumes the extent of the relief to the consumer he is not entitled to take as relief the whole amount of the duty he is taking off; because he will find that in several articles in which the duty has been taken off the consumer is obtaining no relief at all; but that the prices are still kept up, and in some instances have increased on the prices at which they stood when the duty was levied. I do not admit the proposition that the relief to the consumer is equivalent to the amount of the reduction of the duty. I shall not, my Lords, on this occasion enter into any further discussion on the commercial and financial arrangements of the Government; but your Lordships will recollect that before Easter the noble Earl stated he thought it would be convenient that the financial arrangements of the Government should be brought under the consideration of their Lordships' House as a whole; and I cannot but think that the most fitting opportunity for taking the

discussion will be on the occasion when my noble Friend proposes to us to deal with the measure which involves so large an amount of revenue as a million-and-a-half—I mean the Bill for the abolition of the paper duties.

Motion *agreed to.*

Bill read 2ª and *committed* to a Committee of the Whole House *To-morrow.*

LUNATIC ASYLUM, COUNTY DONEGAL.

MOTION FOR ORDER IN COUNCIL.

LORD LIFFORD moved for Copy of the Order in Council naming the village of Letterkenny as the place where the proposed Lunatic Asylum for the County of Donegal was to be built, and of the Report of the Inspector on which that Order was founded. In doing so, he wished, he said, to call the attention of the House to the opinions upon the subject which were entertained by several gentlemen who had some knowledge of the locality in question. The Lord Lieutenant of the County had said that he saw with exceeding regret the course which the Government of Ireland proposed to adopt. The Marquess of Abercorn, the Earl of Leitrim, the Earl of Erne, and Lord Donegal, who were large proprietors in that part of the country, were all opposed to the scheme. Out of the magistrates of the county twenty-four had signed a letter, which he held in his hand, objecting to the proposed site, and only three were in favour of the Letterkenny Asylum. One of the wants which had for years been most bitterly felt in Ireland was that of a strong public opinion. He was happy to say that evil was being gradually remedied; but meanwhile the Government officials were not subject to the same responsibility as in this country. The noble Lord on the woolsack would probably recognize the saying,—"It is a far cry to Loch-ow." The people of Ireland, therefore, looked on the Lord Lieutenant as their protector, and, feeling that by his high position and personal character he was removed both from the sympathies and necessities of his subordinates, they trusted that he would look into the details of the Government himself, and see that those beneath him did not attempt practices of which in England they would not dare to be guilty.

EARL GRANVILLE said, he had no objection to the production of the papers, and when they were produced the House would be able to judge on what grounds this asylum was to be built on this spot. He regretted that his noble Friend the Lord Lieutenant was not present to afford the information desired by the noble Lord.

THE EARL OF LEITRIM said, he was not in the least surprised at the Lord Lieutenant of Ireland not being here, and, indeed, he thought he had acted very prudently in staying away. He for one could not join in the eulogiums which it was the fashion to pour forth upon the noble Earl—

EARL GRANVILLE, interrupting, said, that the reason why the Lord Lieutenant of Ireland was not present simply was that he was not at the present time in London. If the noble Earl wished to make an attack upon his noble Friend or the Irish Government he would suggest that he should put a formal notice on the paper, and then his noble Friend the Lord Lieutenant would be present to defend himself.

THE EARL OF LEITRIM resumed. He certainly objected to the manner in which the Government of Ireland was conducted, the principle which animated it being that of electioneering. He objected to the humbug of the Government bringing into the House of Commons a Bill to reform that House whilst the Lord Lieutenant of Ireland was carrying corruption to its highest point. The Lord Lieutenant of Ireland could not arrange even such a matter as a lunatic asylum, or the appointment of a High Sheriff, without having some electioneering interest in view. There was no single excuse for him. He had heard it argued a thousand times that in having such a high officer as a Lord Lieutenant in Ireland they were protected from having outrageous jobs carried out. For himself he held a diametrically opposite opinion. He thought that the Lord Lieutenant was the greatest mischief-maker in the whole country. By the system which at present existed in Ireland the gentry of that country had been set aside, and the whole business placed in the hands of stipendiaries from the Lord Lieutenant downwards. Hence these jobs. The present instance was a gross job. Within the last five years there had been expended, and very properly, £306,114 on lunatic asylums in different parts of Ireland; and of this £41,450 had been laid out at Omagh, within two miles of the place where it was proposed to erect this new building, whilst in Derry the sum spent was £1,425. Three years ago

the then Lord Chancellor of Ireland took great interest in matters of this kind and did infinite good; and he believed that fifteen years ago there was a rule that no lunatic asylum should be built except in assize towns. He should like to know on what principle this rule had been departed from? It was of the utmost importance that there should be proper investigation as to persons confined in lunatic asylums, for otherwise they might be made the means of imprisoning persons who were perfectly sane. Erecting lunatic asylums in out-of-the-way places would facilitate such an improper practice. There could be no object in laying out several thousand pounds in building an asylum in this part of Donegal, when they might if necessary make some addition to the asylum already existing. He did not find that there had been any extraordinary excess lately, but rather a diminution in the number of lunatics in that part of Ireland. In Londonderry and Donegal there were only 214 lunatics, only six in the prisons, and very few in the poorhouses. This asylum was not wanted, and there could be no earthly object in laying out this money. Gentlemen connected with Ireland had had no explanation in reference to this matter, and he thought that it was not satisfactory that a matter of this kind should be brought forward by the Irish Government entirely on their own responsibility, and without consulting a single one of the individuals who would have to pay towards the money which was to be expended. They ought to have some explanation from the Government. Why was not the Lord Lieutenant there, or why was not means taken for obtaining from him the information necessary to answer this question? He thought it was very desirable that there should be somebody in that House to represent the Irish Government. In the House of Commons there were the law officers for Ireland, and why, in their Lordships' House, should there not be an Irish law lord? In the absence of such an arrangement, why should not the Lord Lieutenant be there in person to answer for his own jobs? Why did he not come down and make some of those pretty speeches which he was in the habit of making in other places; and in which he was constantly talking of the prosperity of Ireland. The Lord Lieutenant had lately, at a public meeting, answered a speech which he (the Earl of Leitrim) had made in that House—a circumstance which he did not think was proper or respectful to their Lordships. What he had said as to the corrupt manner of carrying on the Irish Government was the opinion of every person in that country. How were the lieutenancies of Londonderry and Roscommon given away lately, and for what purpose? The manner of carrying on the Irish Government brought it into thorough contempt; and, though it might be the intention of Her Majesty's Government to stand by the Lord Lieutenant, the feeling in Ireland was that they had sent the Earl of Carlisle to Ireland in order to disgust the Irish with the system of having a Lord Lieutenancy.

The Earl of Leitrim

The Earl of EGLINTON, in the absence of the Lord Lieutenant of Ireland, and in total ignorance of all the circumstances connected with this matter, thought that it would be extremely hazardous in him to give an opinion as to this lunatic asylum being placed in this particular spot; neither in his absence would he dare to say one word in dispraise of the Lord Lieutenant of Ireland. He as fully believed that that noble Lord was as free from all charges of corruption and jobbery as he (the Earl of Eglinton) felt himself to have been during his tenure of office. He knew the manner in which such questions as this came before the Lord Lieutenant, and it was this:—They were referred to a Committee of the Privy Council, and the Lord Lieutenant signed the decision of that Committee—he would not say in ignorance—but at all events in a manner which rendered him as innocent and free from all blame, as was any one of their Lordships. Though, however, he acquitted the Lord Lieutenant, he did not acquit the system, which, on the contrary, he thought was entirely erroneous. In all these cases of county questions the opinions of the magistrates, of the gentry and tenantry ought to be taken into consideration; and in this respect the system should be altered. When he was, to use the phrase of the noble Earl, the Chief Stipendiary of Ireland during the late Government, a Bill was brought forward by the Administration in the other House for the better government of lunatic asylums, and it got as far as a Select Committee in the other House, and would have become law had it not been for the dissolution. That Bill proposed to give the county magistrates almost the sole management of these asylums, subject merely to the approval of the Lord Lieutenant. He thought it desirable that some such Bill should still be passed. His noble Friend

complained of the Lord Lieutenant not being present in that House to answer for the jobs he had committed; but he must call their Lordships' attention to the fact that if the Lord Lieutenant of Ireland were to be frequently present in that House it would not be possible for him to do his duty in the country he was sent to govern. It was the duty of Her Majesty's Government, however, to answer for him in his absence; and, when due notice had been given of the present Motion, he thought the noble Earl opposite might have informed himself so as to give more satisfactory information on the subject.

Earl GRANVILLE said, that any suggestion for the improvement of the present system coming from the noble Earl would be received with that attention which it deserved. He was sorry, as to the particular case, that he was unable to give any additional information to that which would appear on the face of the correspondence.

The Earl of DESART addressed a few observations to the House which were inaudible.

The Earl of CLANCARTY said, he thought it would be matter of great regret in Ireland if anything were said against the principle of maintaining the office of Lord Lieutenant of Ireland; and he thought that the appointment to that high office of a nobleman entirely unconnected with the country was the best arrangement that could possibly be made. The public in Ireland looked with the utmost confidence to the Lord Lieutenant's high-minded opinion, which was, in fact, their only resource when they felt aggrieved by the public functionaries. The whole country felt greatly indebted to the noble Earl (the Earl of Eglinton) for the laborious and painstaking manner in which he had administered the affairs of Ireland. He did not believe there was a single individual in that country who felt that any act performed by the noble Earl had been inconsistent with his high and important duties.

The Earl of LEITRIM said, he did not intend to say one word against the office of the Lord Lieutenant; what he complained of was the manner in which the duties were performed by the present Viceroy. He entirely agreed with what had been said by his noble Friend who last addressed the House. Nothing could be more honourable and correct than the course of the noble Earl (the Earl of Eglinton) when he filled that office; but the contrast between him and Lord Carlisle was as great as that between light and darkness.

House adjourned at a Quarter past Seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 10, 1860.

Minutes.] Public Bills.—1° Registration of Births, &c. (Ireland).
2° Sheriff Court Houses (Scotland); Prisons (Scotland); Labourers' Cottages (Scotland).

THE IRISH AND SCOTCH REFORM BILLS.—QUESTION.

Mr. BAXTER said, he would beg to ask the Secretary of State for Foreign Affairs, Whether, in consideration of the Committee on the Reform Bill for England and Wales having been deferred till June, and with the view to expedite the passing of that Measure, he would agree to postpone the Scotch and Irish Reform Bills to the next Session of Parliament?

Mr. VINCENT SCULLY said, that before the noble Lord replied he would beg to ask another question of which notice had been given—namely, whether he will agree to postpone going into Committee on the Representation of the People Bill until after the Second Reading of the Representation of the People (Ireland) Bill; or whether, with a view to uniformity of legislation, he will introduce provisions applicable to Ireland into the Representation of the People Bill, so that Parliamentary Reform for both Countries may proceed *pari passu?*

Lord JOHN RUSSELL said, with respect to the question of the hon. Member for Montrose (Mr. Baxter) he thought it would be a very inconvenient course to proceed with the Second Reading of the Irish and Scotch Bills until they had gone into Committee on the English Bill, because they would have to debate the question of the franchise, which had already been discussed, and which must be discussed again in Committee on that Bill. It appeared to him that the more convenient course to be taken would be to go into Committee on the English Bill, and then the result of that discussion might be taken into consideration on the Second Reading of the Irish Bill. With regard to the question of the hon. Member for Cork

county (Mr. V. Scully) as to deferring the Irish Bill till next Session, he was unable to answer it before they went into Committee on the English Bill; but before they went into Committee on the English Bill his noble Friend (Viscount Palmerston) or himself would state what were the intentions of Government on the subject.

ROAD ACROSS HYDE PARK.

QUESTION.

SIR MORTON PETO said, he wished to ask the First Commissioner of Works, Whether in the event of the Government entertaining the proposition of connecting the north and south sides of Hyde Park by a Road, he will lay Plans, Sections, and Estimates of such proposed Road upon the Table of the House prior to any Vote being taken to carry the same into effect?

MR. COWPER said, the making of a great public thoroughfare across Hyde Park would affect the comfort and recreation of so many persons that no decision could be come to without the fullest consideration. He should not think of proposing any Estimate to the House without giving the fullest information as to any plans that might be recommended.

THE POOR LAW BOARD.

QUESTION.

SIR MORTON PETO said, he would now beg to ask the President of the Poor Law Board, Whether, as the powers of the Poor Law Board expire at the end of the present Session of Parliament, it is the intention of the Government to introduce in the present Session a Bill for the renewal of those powers; and, if so, when such Bill will be introduced?

MR. C. P. VILLIERS replied that it was the intention of the Government to propose a renewal of the Act by which the Poor Law Board was at present constituted and the Bill would be introduced as early as possible after the Whitsuntide recess. He apprehended that his hon. Friend had been induced to ask the question from a notion that was prevalent among some of his constituents, that the Poor Law Board intended to ask for extended powers to administer the Nuisances Removal Bill. He (Mr. Villiers) begged to assure the hon. Member that with that measure the Poor Law Board had no connection whatever.

MARINES IN CHINA.—QUESTION.

SIR DE LACY EVANS said, he rose to ask the Secretary to the Admiralty the number of Marines and Sailors now on the China Stations?

LORD CLARENCE PAGET said, he must repeat an answer which had been given to a similar question that was put earlier in the Session. It would not be convenient for the public service to make any statement of the number of Marines and sailors in China, but he had no objection to give privately the information to the hon. and gallant Member.

THE ABSTRACTED ARMY EXAMINATION PAPERS—QUESTION.

MAJOR SIBTHORP said, he would beg to ask the Secretary of State for War, Whether any clue has been obtained relative to the late abstraction of Examination Papers; and, if so, whether the names of the parties concerned are to be made public, and what steps have been taken in the matter by the authorities?

MR. SIDNEY HERBERT replied, that the police had been making an investigation, but had not as yet succeeded in discovering the offender, although they were not without hopes of doing so. If there should be any means of bringing the guilty parties to justice they would not be neglected.

THE GARRISONS OF HONG KONG AND CANTON—QUESTIONS.

SIR DE LACY EVANS said, he wished to ask the Secretary of State for War the number of Regiments or numerical strength of the Garrisons of Hong Kong and Canton, Europeans and Natives of India not included in the amount of forces stated by the Secretary of State as proceeding to or arrived in China?

MR. SIDNEY HERBERT replied, that the garrisons of Hong Kong and Canton comprised three batteries of artillery consisting of 292 men, three companies of Royal Engineers containing 268 men, and a battalion of European troops 738 strong. There were also three battalions of Native troops containing 1639 men, who were to be relieved by an equivalent force; and orders had been given that the English soldiers who were sick should be sent home unless urgent affairs required that they should be still retained there.

THE ARMY ESTIMATES.

QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask the right hon. Secretary of State for the War Department when the Army Estimates will be brought forward?

Mr. SIDNEY HERBERT: The week after next, immediately before the holidays.

General PEEL: Will you give notice of the precise day?

Mr. SIDNEY HERBERT: Yes, I will.

THE NATIONAL DEFENCES.

QUESTION.

Mr. PALK said, he wished to inquire of the Secretary of State for War, When the Report of the Commissioners on the Defences of the Country will be laid on the Table, and whether it will be laid on the Table before the right hon. Gentleman took the Vote for Fortifications?

Mr. SIDNEY HERBERT: I expect to lay that Report on the Table in the course of a few days, and I shall not take a Vote on the Fortifications without laying before the House an Estimate in detail. I do not expect we shall reach that Estimate the first night, but I will take care that ample notice shall be given by the Government of the time when it will be brought forward.

GENERAL GARIBALDI'S EXPEDITION.

QUESTION.

Sir DE LACY EVANS was understood to ask the noble Lord the Secretary of State for Foreign Affairs, Whether he has received any Despatches from the Piedmontese Government relative to any projected expedition of General Garibaldi to Sicily, and whether he will have any objection to lay them on the table?

Lord JOHN RUSSELL was understood to say that it would not be desirable to publish any Despatches which had come to the hands of the Government on the subject, considering the ill effects which had followed from the publication of Despatches relative to a previous projected expedition of General Garibaldi in Central Italy.

STATES OF THE CHURCH.—THE PAPAL GOVERNMENT.

QUESTION.

Mr. HENNESSY said, he would beg to ask, Whether the noble Lord the Foreign Secretary will have any objection to produce all the Despatches that have been received from Mr. Odo Russell, the Attaché at Rome, relative to the administration of public affairs in the States of the Church?

Lord JOHN RUSSELL said, that he was not prepared to produce any Despatches beyond those which had already been published.

Mr. HENNESSY intimated his intention of moving for the unpublished Despatches.

Lord JOHN RUSSELL said, that he could not agree to produce them, inasmuch as their publication would be in violation of the pledge under which communications had been made by Cardinal Antonelli.

REFRESHMENT AND WINE LICENCES BILL.—QUESTION.

Mr. AYRTON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he is willing to move that the Refreshment Houses and Wine Licences Bill be committed *pro formâ*, for the purpose of introducing his Amendments therein and having the Bill reprinted?

The CHANCELLOR of the EXCHEQUER said, he was sorry that he could not accede to that arrangement. Owing to the necessary pressure of public business the debate on the Bill had spread over a period of seven weeks. If it had been agreeable to hon. Gentlemen that the Bill, after having been read a second time, should have been committed, it would have been practicable, without any great inconvenience, to have adopted the course of incorporating the whole of the Amendments, and sending them forth for the consideration of all parties. At present the state of the case was, that the Amendments of which he had given notice, and which represented the Bill in its complete form, so far as the House was concerned in no respect touched the essential principle of the Bill, of which he had endeavoured to give the clearest explanation. In the state of public business it would not be convenient to allow of the further delay for the reprinting of the Bill. Of course, if there were found any great inconvenience in Committee, hon. Members would be entitled to make the demand; but he could not conceive how any such inconvenience could arise, because the Amendments were very simple in form.

WAYS AND MEANS.

Order for Committee read.

House in Committee of Ways and Means.

Mr. MASSEY in the Chair.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER: I rise, Sir, to move the Resolution of which I have given notice in regard to the Wine Licences Bill. Of course I shall not move this evening the other Resolutions which are also to be proposed in Committee of Ways and Means, and which relate to other subjects. The Resolution to which I now refer separates itself into three parts. The first two stand exactly as they have stood before the country for many weeks. I am not aware that there is any ground for making any alteration in the licences so far as the rates of them are concerned. As respects the first portion of the Resolution, which relates simply to the licences to be taken out for keeping a refreshment house, I do not wish that this vote should pledge any hon. Member as to what kind of refreshment houses are to become liable to the payment of a licence, and under what conditions that payment is to be made. All those hon. Members who think that no refreshment houses ought to be taxed except those which sell wines may with propriety raise a debate upon that Resolution. But those who think, with the Committee of 1854, that it is desirable that refreshment houses of a certain description, in certain places, should be made liable to the obligation of taking out a licence, will only have to consider whether proper rates are proposed to be charged in this Resolution. And the question we shall have to dispose of with respect to the different places, or the precise description of houses, which require a licence, can be much more conveniently disposed of in Committee on the Bill. An hon. Member (Mr. Ayrton) has given a notice which touches the whole principle of the Resolution. He objects to imposing the obligation of taking out a licence on any refreshment house. I am not prepared to recede from the proposal. I think the recommendation of the Committee of 1854 was a wise proposal; and that, as regards a certain description of houses, there is really as great a necessity for a licence, which is the ordinary symbol of police superintendence, as there is in any case which can be mentioned. I do not think the difference of strong liquor being avowed as the substance of the trade, or even as a portion of the trade, touches the question vitally. In point of fact, many of the houses where there is no licence to sell strong liquors are the very places where you most of all require the power of entering by the police, in order to ascertain whether strong liquors are not surreptitiously sold there. The hon. Member took two objections, which appeared to me to be contradictory. He first argued against the recommendation as involving the principle of a universal licence, upon all retail shops, and then contended that it was inconsistent because it only imposed a duty upon one class of retail shops. The two things cannot stand together. The Resolution before the House has nothing to do with universal licence. It touches simply the question of the peculiarities of a class of refreshment-houses which are places of public resort, and with respect to which there are peculiar risks, both as regards the preservation of the peace and good order of society, and the surreptitious consumption of strong liquors. With this explanation I beg to move:—

"That, towards raising the Supply granted to Her Majesty, there shall be charged, levied, and paid, unto and for the use of Her Majesty, Her heirs and successors, for and upon the several Licences hereinafter mentioned, the respective Rates and Duties following—that is to say, for every Licence to keep a Refreshment House, if the house and premises in respect of which such Licence shall be granted shall be under the rent and value of £20 a year, 10*s.* 6*d.*"

MR. AYRTON said, if the consideration of the question was embarrassing before, it was rendered ten fold more embarrassed by the statement just made by the Chancellor of the Exchequer. He had before endeavoured to elicit from the right hon. Gentleman a precise and clear expression of opinion as to the policy which regulated his conduct in proposing these new taxes. He had asked him whether he proposed them as a measure of finance, or as a measure of police, with a view to preserve order and morality in the country. If it were put forward as a measure of finance, they must then be prepared to examine it on financial grounds, as part of an important system by which the Government proposed to license the retail shopkeepers of every trade and profession throughout the country. There was much to be said for and against that view of the subject. When it was first brought forward, it was coupled with the general financial scheme of the country—it was, in fact, a part of the Budget; and Parliament was called to support it as a part of the financial scheme. But now

it seemed that it was no part of finance; that it was proposed as a mere measure of police, to preserve the good order and morality of the country. He was certainly surprised to find that a measure of this kind should be brought forward, not by the Home Secretary, who was responsible for the peace and good order of the country, but by the Chancellor of the Exchequer, as a part of his new financial scheme. He would briefly state why he thought the proposition should not be agreed to. It was ostensibly founded on the recommendations of the Committee which sat to inquire into the condition of public-houses, and other places for the sale of beer; but he thought they had heard enough from the right hon. Gentleman opposite (Mr. Henley), to show that the scheme was directly opposite to that which was recommended by the Committee which the Chancellor of the Exchequer quoted in support of his proposition. If it was to be considered as a mere question of police, he was compelled to ask the Committee upon what ground they could decide to levy a tax on a particular class of houses, in aid of the local police—for the police in this country were purely local—to be paid into the National Exchequer. If it were imposed in order that inspectors might be appointed, who, it was clear, must be appointed by the local authorities, the tax ought to be no more than was necessary for that purpose. If it were for the purpose of registration, to give the police facilities for entering the houses, then it ought just to cover the mere cost of registration. But these were no grounds for levying a tax to be paid into the general exchequer for the national expenditure of the country. The Committee were asked to vote an indefinite tax upon houses of some sort; but had received no explanation as to the kind of houses on which it was to be imposed. If there was any one man in the House who ought not to have made such a proposition, it was that right hon. Member, who, when asked to go into Committee upon a house tax, said that that question was embarrassed with so many difficulties, that he never would consent to consider the proposal, unless the Chancellor of the Exchequer would give a precise explanation of all the incidences of the tax. So sensitive was the conscience of the right hon. Gentleman then, that he preferred to overturn a Government, rather than take a course of which his conscience disapproved; but now he invited the House to go into a discussion upon a tax, and he could not give the least explanation of the character of the houses upon which the tax was to be levied. He (Mr. Ayrton) would not say the right hon. Gentleman could not give any explanation, but he would not do so; and he would tell the House why. The right hon. Gentleman had twice attempted to give an explanation. In the first attempt he signally failed, and on the second occasion he not only failed, but his proposition was preposterously absurd. He (Mr. Ayrton) thought he was justified in using that phrase, because the Chancellor of the Exchequer himself was in the habit of using phrases quite as strong when he desired to express his opinions upon the views of other hon. Members. He would also ask the Committee to consider what was the original proposition which the right hon. Gentleman made, and then to view it in its amended form. It was first proposed to levy this tax on any house, room, shop, or building used for the purpose of selling therein victuals or refreshments to be consumed on the premises. The question had naturally been asked, what was excluded under this provision describing anything that a man could eat or drink. One Gentleman said that to buy and eat an orange in an unlicensed house would be against the law; at which the right hon. Gentleman shook his head, as if that were a thing out of the question. When he was inviting the support of hon. Gentlemen on the Opposition benches to his proposal, he told them that in villages, and even small towns in the country, there were houses where articles that might be called refreshments were sold—such as ginger-beer and oranges—but that as these places were not the resort of persons for whom it was necessary to have the visitation of the police, they were not included in his proposition. The effect of his illustration was, that in houses in small towns oranges might be sold without a licence, but that the sale of oranges was not to be permitted in unlicensed houses in large towns. Indeed, the language of the proposal was so indefinite, that it might include a stick of barley sugar, or the best dinner that a Lord Mayor could provide. The proposal was considered so extravagant, that the Chancellor of the Exchequer was urged to withdraw it, and how did he withdraw from this proposal? The amended provision of the Chancellor of the Exchequer was—

"Provided always that no licence to keep a

refreshment house shall be required to be kept under this Act for the sale of goods or commodities in the front, or on the basement, or on the ground floor, although refreshment may be consumed in such shops; such refreshment, however, not being consumed in any other room, and not being wine, or any other excisable liquor."

The amended proposal, therefore, amounted to this, that a person would be permitted to take a cup of coffee in the kitchen or ground floor of a house, but not in the drawing-room. Upstairs it was to be subject to taxation in the shape of a licence; but downstairs there was to be no tax. In the shop it would be untaxed, but in the floor above the tax would have to be paid. Was ever such a proposal as this made for purposes of police; that two stories of a house should be free from the visitations of the police, but that the rest of the house should be placed under their control? On what ground did this distinction proceed? He could imagine a ground where the greatest privacy was desired; but he was afraid that if he were to suggest it, the Chancellor of the Exchequer would find himself compelled to repudiate it, because it could not for one moment be maintained that any one would take out a licence in order that those upper rooms should be open to the visitation of the police. It was said that there were certain houses in the town and country where people secretly sold illicit spirits, and that these cases would be met by this provision. But it would not answer that purpose, for they could not expect that such persons would take out a licence in order to inform the police of their intention to violate the law. The evidence given before the Select Committee sufficiently disposed of this theory. When a witness was asked how the police repressed the illicit sale of beer and spirits, he said there was no method of doing so, except by using the police as spies, and sending them in plain clothes. Being asked why the police did not do that, the answer was that an unfortunate transaction in which the police had acted as spies had excited such attention, that it was thought inexpedient to pursue the spy system in this country. The police were therefore unable to carry on the process of detection. Was this to be a Bill for encouraging that spy system from which even the police shrunk as being at variance with the opinions and feelings of the people of this country? The police had just as much power now to go into houses in disguise and make search as they would have under this Bill, and if parties were selling spirits without a licence they were already subject to penalties and forfeitures. Then, was it supposed that another class of houses, which were known as disorderly houses, would take out licences which would give the police an opportunity of entering every bedroom in those houses? If the occupation of such houses was unlawful, and if the bedrooms were to be used for purposes not to be mentioned, the occupiers would, of course, take care not to render themselves liable to be visited by the police by taking out a licence. What, then, did the Bill rest upon? They had a proposal to tax the sale of coffee, or something else, in an upstairs room. He submitted that until the House had before it a definite explanation of the precise character of the shops to be taxed, they could not proceed to vote for this tax. He wished to say one word upon the injustice of any system of taxation which took a margin of £20 rental as the limit of increase. He had said that if it be for police purposes, it was essential that it should be a single uniform tax; but to take a margin of £20 as the ground of increase, would be to commit an act of great injustice to the constituency which he represented, and to the Metropolis generally. Of the entire house tax of £690,000 a year levied in England, nearly one-half, or £330,000, was levied upon the Metropolis alone, while all Scotland only paid £45,000. Could that be said to be a just tax? This attempt to make a distinction between one town and another was founded upon a monstrous fallacy. If the Chancellor of the Exchequer would visit some of the smaller streets in Westminster, he would see shops for the sale of cakes and oranges quite as small as those in country towns. What right, then, had the hon. Gentleman to make this distinction? He opposed the Resolution—first, because in the absence of any explanation, it was perfectly unintelligible; and secondly, because in the mode in which it was proposed it was most unjust, and the Chancellor of the Exchequer should have been the last person to propose such a Resolution, for when he was Chancellor of the Exchequer in expectancy, he could not tolerate the mention of such a proposition as that which, as Chancellor of the Exchequer in possession, he then proposed for the adoption of the House.

THE CHANCELLOR OF THE EXCHEQUER said, he would not follow the hon. Member through a speech that was more discursive than dispassionate, but would

content himself with replying to that part of it which bore upon the question. The hon. Gentleman had embraced the house tax and a number of other points which would best be discussed when the clauses came before the House. In his opinion, the hon. Gentleman had misconstrued the provisions and grammatical effect of the Resolution, according to its sense and certainly according to its intention. There was no distinction in the Resolution between upstairs and downstairs, cellars and ground floors; and that argument might, therefore, stand over. There was one point which the hon. Gentleman missed, and which appeared to him (the Chancellor of the Exchequer) to be relevant to the case, and it was this. He said it was unjust to draw a distinction between houses under and those above £20, and he complained of the severe incidence of the present house tax upon the Metropolis. The house tax might or might not be just to the Metropolis, and they ought not to do anything which would have the effect of aggravating it; but he could not admit to the hon. Gentleman that in that instance they were going to inflict any injustice by imposing, not a minute and complicated scale of charges, but a simple difference of doubling this charge, in itself a simple one, upon houses above £20. The hon. Gentleman said this was in no degree a fiscal question, and what he then set up for a supposition for himself, in the next moment he put into his (the Chancellor of the Exchequer's) mouth. He (the Chancellor of the Exchequer) had never said this was not a fiscal question, but that it was mainly and chiefly to be decided upon other than fiscal grounds. He did not admit, therefore, that they were not to take into consideration the ability of parties to bear this charge, which looked to the extent of the premises as the index to the extent of the trade. As regards the question of the amount of occupation they might give to the police, it was presumable that very large establishments would give more occupation to the police than very small establishments with very limited business below £20 a year. There was another point which was not noticed by the hon. Gentleman, and it was this. As he (the Chancellor of the Exchequer) understood the effect of the law, the imposition of this licence duty would, under the existing law, have the effect of making into shops, in the eye of the law, those coffee-houses which were not now shops. The effect of that would be that, although they will pay a licence duty—that is, a sum of 10*s.* 6*d.* on houses above £20—yet they would obtain relief, in some degree, from the house-tax, because, in becoming shops, they would be taxed at the lower rather than at the higher rate. He did not think it necessary to say more, because there were a variety of considerations which would be more conveniently discussed on the clauses.

MR. HARDY said, he did not intend to offer any opposition to the proposition of the Chancellor of the Exchequer, as he had himself proposed one of a similar description in 1857. He wished, however, to guard himself against being committed on the question of the particular incidence of the tax, which they would have to consider hereafter. The view he took was that the tax should be imposed on places of public resort and entertainment, because they brought numbers of people together, and would be less likely to require the interference of the police if conducted under the responsibility of a licence. The evidence which was taken before the Committee of 1853-54 showed that the great evil arose from those houses which were kept open all night, and he recommended that those only should be taxed which were open after a certain hour at night, and before a certain hour in the morning. Such a provision would, he thought, cover all the worst class of eating-houses. Those which were open during the day and shut in the evening were harmless places of resort, and did not call for any inspection on the part of the police. But it was clearly proved before the Committee that when the public-houses and beershops were closed, the worst characters in a town resorted to the coffee-houses, temperance tels, shell-fish shops, and so on, which were kept open till four or five o'clock in the morning; and there could be little doubt that in those places beer and spirits were sold illicitly, because the police had no access to them. It appeared to him that those places only should be taxed which were kept open between ten o'clock at night and four o'clock in the morning.

MR. ALDERMAN SALOMONS said, he would suggest that they should alter the sum of £20 to £25. It appeared rather hard that a man having a house rated at £19 a year should only pay 10*s.* 6*d.*, while a man having a house rated at £1 more, should have to pay one guinea.

MR. PALK remarked, that the right hon. Gentleman the Chancellor of the Ex-

chequer had omitted to answer a very important question which had been raised by the hon. Member for the Tower Hamlets; that was, what constituted a refreshment-house? Would a shop in a country town, which sold biscuits, apples, and confectionery—for confectionery was particularly mentioned in the Bill—come under the designation of a house of refreshment? Nothing could be more vague than the terms in which it was at present described; and he was sure the Chancellor of the Exchequer would be the last person to allow the House to come to a decision on this subject without having a definition of a refreshment-house.

THE CHANCELLOR OF THE EXCHEQUER said, he could assure the hon. Member he had not overlooked the question at all. He had stated generally, in his explanations to the House, and had likewise specified in the Bill, what was clearly understood to be the meaning of the term "refreshment-house." Various proposals had been made to modify or restrain that meaning, and the question was, when could they most conveniently consider these proposals? In his opinion, it was not convenient to do so at the present stage, when they could not introduce Amendments to limit the meaning of the term. The proper time for such a discussion would be when they were going through the clauses of the Bill, which defined and fixed the application of the principle. The only question now before the House was whether to any refreshment-house other than those which sold strong drink this obligation to take out a licence should apply. It appeared to him that the suggestion of his hon. Friend (Mr. Salomons) was inadmissible. If he was rightly advised of the indirect operation of the licences, the alteration proposed would have the effect of establishing very peculiar and anomalous relations with regard to the class of persons subject to the charge. For there would then be three classes. There would be a class of persons with houses up to £20 rental, paying 10*s.* 6*d.* for the licence, and not receiving any indirect relief through taking out a licence because they were not subject to house tax; and there would be a second class of persons with houses between £20 and £25, likewise paying only 10*s.* 6*d.* duty, but receiving indirect relief through having their houses rated as shops under the house tax. The third class would, of course, be those above £25. It was plain that such an arrangement would be very inconvenient, and that it would be better that the distinction should be drawn at £20 where the incidence of the house tax began.

MR. HENLEY said, he would not oppose the Resolution. He understood the Chancellor of the Exchequer to say that, in agreeing to this Resolution, no one would be pledged as to any description of refreshment-house. [THE CHANCELLOR of the EXCHEQUER: Hear, hear!] On that understanding he thought there was great force in the observations of the hon. Member for Leominster (Mr. Hardy). He would be glad to see the duty confined to that class of houses indicated by the Committee, which were kept open at irregular hours, when there could be no doubt that great mischief had arisen from their not being under the supervision of the police. One effect of the duty, it appeared, would be to transmogrify, if he might use the word, a certain class of houses into shops, and consequently to exempt them from the proportion of the house tax which they paid at present. That would not certainly simplify the discussion of this question, as they did not all possess the same knowledge of the effect of the different revenue Acts as the Chancellor of the Exchequer.

LORD JOHN MANNERS said, the right hon. Gentleman the Chancellor of the Exchequer had truly stated that this was not only a police, but a fiscal question. It was to these licences that the right hon. Gentleman, he understood, looked to supply the deficiency caused by the repeal of certain Customs' duties which he had induced the House to sanction. He wished, therefore, to know whether the right hon. Gentleman had any *data* upon which he could calculate what the licence duties, if agreed to by the Committee, would probably yield.

THE CHANCELLOR OF THE EXCHEQUER said, that various questions yet remained unsettled which would, of course, affect the amount derived from the licences. He was bound to say, on the part of those who were best acquainted with the subject—the officers of the revenue—that it was really impossible to form any trustworthy estimate when entering on ground which was entirely new. The decision to which the House might come as to the class of houses subject to licences, and as to the extension of the system to Ireland and Scotland, would, of course, materially affect the financial results of

the measure. But as far as a conjecture, rather than an estimate, could be formed, the whole of the licences, both for wine and refreshment-houses, in England, Scotland, and Ireland would yield to the revenue between £60,000 and £70,000 a year. It was anticipated that the wine licences would supply by far the greatest sum.

MR. T. S. DUNCOMBE said, he wished to know whether the Chancellor of the Exchequer agreed to the proposal of the hon. Member for Leominster.

THE CHANCELLOR OF THE EXCHEQUER said, he did not in the least degree desire to put a negative on the proposal of the hon Gentleman; but, as there were various particulars in which it was proposed to limit the application of the licence, he thought that they had better all be discussed at the time when they could insert in the Bill any Amendments they agreed upon.

MR. T. S. DUNCOMBE said, he hoped the House would put a negative on the proposition of the Chancellor of the Exchequer that no man was to sell anything like victuals or refreshments without paying a 10*s.* 6*d.* duty, and that no man was to consume those victuals or refreshments, undefined as they were, without having a policeman to wait on him. The object of the Bill was to introduce the police into every man's house. It was a common boast that an Englishman's house was his castle; but it would cease to be his castle if he was not to be allowed to sell refreshments, or to receive any one within doors to consume them without the attendance and supervision of the police. There was some sense in placing restrictions on the sale of spirits or wine. If they wished to prevent drunkenness in those houses at night, let them be licensed and placed under the operation of a heavy duty. But they might depend on it that if this House was prepared to submit to the proposition of the Chancellor of the Exchequer, that all refreshment-houses were to pay a licence duty, and that every man who entered them was to be subject to the attendance of the police, at all events, the public would not submit to it. It was worthy of the Six Acts, and of Lord Castlereagh's days. It was said to be with the view of promoting the morality and improvement of the working classes that this system was to be introduced. One day they were told that the working classes were so much improved that the franchise might be lowered to £6, and the next that the working classes must neither eat nor drink without having the police to watch them. The Chancellor of the Exchequer would not regard it as a police question, and would not give up the fiscal portion of the proposition. But, if so, the right hon. Gentleman ought to tell them how much he expected this tax would produce. If the sum were large, it would show how obnoxious and oppressive was the burden; and if it were a good tax, it ought to be extended to Scotland. He hoped the Committee would accede to the proposition of the hon. Member for the Tower Hamlets.

MR. LIDDELL observed, that it might be necessary to give the police control over coffee-shops and temperance-houses which were the resorts of disorderly characters; but that it should be limited to those houses which were open at certain hours.

SIR JOHN SHELLEY said, he conceived that they were proceeding in a very irregular manner, as they were called upon to agree that refreshment-houses should be licensed before they had really determined what refreshment-houses were. As to those refreshment-houses in which no tippling or the sale of spirits took place, he could not see why any licence should be put upon them. He, for one, wished to see the sale of light wines extended, but he agreed with the hon. Member for Finsbury that it would be most objectionable to have the intrusion of policemen where a small trade in refreshments was carried on. The right hon. Gentleman had said that the question was as to the capability of the house, but looking to the Metropolis, the distinction would not hold water, because there a smaller house might be rated higher than a house elsewhere. The police could see everything which took place in a baker's shop from the outside, and, if they had a right of inspection, no baker would be able to let lodgings, because people would not live where they would be subject to such an annoyance.

LORD JOHN MANNERS said, he thought it was not a very convenient course of proceeding to discuss police regulations in a Committee of Ways and Means. The hon. Member for Finsbury was mistaken if he supposed that the Chancellor of the Exchequer had not given any information of the amount of revenue which would be raised by these licences. The right hon. Gentleman told them that if England, Ireland, and Scotland, were all included, the sum upon which he calculated from wine

and refreshment licences, was £60,000 or £70,000 a year. As the principal part was expected to be produced by licences for the sale of wine, he was correct in describing the amount estimated from refreshment licences as infinitesimally small, and he thought the Committee should look with great jealousy and suspicion on these small means of meeting a great deficiency which the Chancellor of the Exchequer had himself created. There was every probability that by modifications in the Bill the small amount which the right hon. Gentleman anticipated would be still further diminished, and the result would be to inflict great inconvenience and annoyance on the very classes which it was the alleged intention of the Government to benefit, without obtaining any revenue worth considering. He agreed with what had fallen from the hon. Member for Leominster (Mr. Hardy) with respect to the class of houses that ought to be taxed; and if the hon. Member for the Tower Hamlets would go to a division he should support him.

Mr. EDWIN JAMES said, it seemed to him to be a most extraordinary proposition on the part of the right hon. Gentleman the Chancellor of the Exchequer to ask them to vote for the Resolution, on the understanding that he would modify it in Committee. What was the proposition before the Committee? It was,

> "That, towards the supply granted to Her Majesty, there shall be charged, levied, and paid to and for the use of Her Majesty, Her heirs and successors, for and upon the several licences hereafter mentioned, the respective rates and duties the following licences—that is to say, for every refreshment-house."

Now, they were asked to vote for that without knowing what was really to be considered as a refreshment-house or the character of the house to be licensed. If there were a large number of refreshment-houses in London kept in a disorderly manner, why did not the Government bring in a Bill, as in the case of gaming-houses, giving the police a power of inspection? Suppose the right hon. Gentleman had had a Budget in hand at the time the gambling-houses were put down, would he have proposed to put a tax on them for the purpose of making them liable to police regulations instead of bringing in a straightforward Bill for the purpose? Take another class of houses—where promiscuous assignations were supposed to be made—would he have recourse to a system of licensing those mansions if he wanted to bring them under police regulations? The right hon. Gentleman's argument was simply this:—"I tax all refreshment-houses, good as well as bad, and I tax the bad in order to give the police power over them." The Resolution was drawn up in a most unqualified form, and he hoped the House would not trust to what might be done in Committee on the Bill, but insist on its being considerably modified before giving its assent to the present stage.

The CHANCELLOR of the EXCHEQUER said, that the hon. and learned Member had totally misrepresented what had fallen from him. The Resolution did not make a declaration that every refreshment-house should be bound to take out a licence, but simply stated the price at which refreshment licences should be issued. It was quite a different thing to fix the price of a licence and to define the class of houses to which it was applicable. The only question was, did they think that there was some description of refreshment-houses to which the licence ought not to be applicable?

Mr. AYRTON said, he had no objection to place under the supervision of the police, all houses which in any way promoted public immorality; but that was a question which ought to be considered by the Home Secretary, and brought under the consideration of the House distinctly as a question affecting public morals. Now, however, the right hon. Gentleman was tacking an important question of morality to a Money Bill, and thereby excluding the House of Lords from all power of taking cognizance of it. At one moment the question was treated as one of police, at another entirely of finance. The Chancellor of the Exchequer was bound to define the class of houses which were to pay this tax exactly, and not in terms which would enable him to tax all refreshment-houses. He hoped the House would decide this question, not by mere voting power, but on considerations of justice. One-half of the whole shop tax of the country was at the present time paid by the Metropolis, a result which arose from the standard being fixed at £20. If this Bill passed, every lodging-house keeper in London who served his lodger with bread and butter and coffee for breakfast in his attic—and this was a very general practice in the Metropolis—would have to pay the tax. To go on voting taxes merely

according to voting power, and not on the principle of justice, would be teaching the people a lesson—which if a Reform Bill were passed—though he was by no means anxious for such a Bill as that now before the House—and the power were placed in their hands, they might not be disinclined to act upon it.

Motion made, and Question put,

"That towards raising the Supply granted to Her Majesty,

There shall be charged, levied, and paid, unto and for the use of Her Majesty, Her heirs and successors, for and upon the several Licences hereinafter mentioned, the respective Rates and Duties following; that is to say:—

For every Licence to keep a Refreshment House,—	£	s.	d.
If the house and premises in respect of which such Licence shall be granted shall be under the rent and value of £20 a year .	0	10	6"

The Committee *divided*:—Ayes 173, Noes 103: Majority 70.

Motion made, and Question proposed, That the words—

"And if the same shall be of the rent or value of £20 a year or upwards	1	1	0"

—stand part of the proposed Resolution.

MR. AYRTON said, he should then submit to the Committee that if refreshment-houses were to be subjected to taxation, there ought to be one uniform tax upon all of them, and not the graduated tax proposed. Hitherto the taxes on particular trades were uniform, and had no reference to the value of the houses in which the trades were carried on. If that uniformity were to be set aside, then the proper way of imposing a trade tax would be to graduate it according to the income of the tradesman, and not the rent of the place in which he carried on his business. All teadealers, whatever the amount of their business or the rent of their shops, paid a uniform licence of half-a-guinea for the purpose of enabling the customs to secure the revenue. He would therefore move as an Amendment that the proposed tax should be reduced to 10*s.* 6*d.*

Amendment proposed to leave out £1 1*s.*, and insert 10*s.* 6*d.*

MR. HARDY said, there seemed to him to be no reasonable argument for having two different scales. As the Bill stood it gave power to the police to inspect refreshment-houses, but, unless the keepers of such houses were licensed to sell wine they could not be punished as persons keeping houses of a disorderly character. His object would be to make them amenable to punishment in such cases, but when the object was effected he did not see the advantage of maintaining an increased rate as regarded the higher class of houses.

THE CHANCELLOR OF THE EXCHEQUER said, there might be a uniformity of licence in the case of other trades, but it was not a good precedent from which to argue. There was no part of our system of taxation which it would be more desirable to revise than this system of licences. The little village teadealer felt it an extreme hardship that he should be called upon to pay as much as was paid by Fortnum and Mason for a licence. A complicated scale in this instance he did not recommend; but that there should be some distinction between the rate paid by large and small refreshment-houses was, he thought, a reasonable proposal. He was not inclined to depart from the terms of the Resolution.

LORD JOHN MANNERS said, he thought that the argument of the right hon. Gentleman was not strictly applicable to the case before the House. If the right hon. Gentleman thought that the whole system of licences needed revisal that was no reason for imposing the tax proposed by the clause. If the system of taxation on trades were shortly to be revised, it would be better to impose only one uniform tax on refreshment-houses, because the imposition of different taxes on different classes of refreshment-houses would make more difficult the adjustment of trade licences hereafter. He should support the proposal of the hon. Member for the Tower Hamlets.

THE CHANCELLOR OF THE EXCHEQUER declared that he did not hint, or promise, or say anything on the subject of revising the system. He merely had said that the system was bad which imposed an uniform rate on the exceedingly small dealer and on the man who did a very large business. He thought the making of some distinction was advisable.

ALDERMAN SALOMONS said, this tax would fall very heavily upon traders in the Metropolis. He hoped that the Chancellor of the Exchequer would give way, and that a uniform tax would be imposed.

Question put, "That £1 1*s.* stand part of the Question."

The Committee *divided*:—Ayes 159; Noes 88: Majority 71

Original Question put and *agreed to.*

Resolved, That the words—

"And for every Licence to be granted as here-

inafter mentioned to any licensed keeper of a refreshment house to sell therein by retail Foreign and British Wine to be consumed in such house or on the premises thereto—

	£	s.	d.
If such house and premises shall be under the rent or value of £50 a year	3	3	0
And if the same shall be of the rent or value of £50 a year or upwards	5	5	0"

—stand part of the proposed Resolution.

Upon the next Section—

"And for every Licence to be taken out by any person for the selling by retail in any shop of Foreign Wine not to be consumed in the house or shop or on the premises where sold, if the house and premises shall be under the rent or value of £50 a year, £2 2*s*."

LORD JOHN MANNERS inquired whether colonial wines would come under the class of British or foreign wines.

THE CHANCELLOR OF THE EXCHEQUER said, they would be classed as foreign wines.

On the Section that—

"If the same shall be of the rent or value of £50 a year or upwards, £3 3*s*."

MR. AYRTON wished to know whether the Chancellor of the Exchequer meant to keep up the difference between the licences granted to wholesale and retail traders. The licence at present, he believed, was £10 10*s*. for persons who dealt wholesale, and £2 2*s*. or £3 3*s*. for persons who dealt retail. Preserving that difference would not promote the consumption of unadulterated wine. The difference between the taxes ought to be abolished, and a uniform rate should be established. At present the law was evaded by selling sample bottles. Without they had a uniform licence of seven or eight guineas, the wines sold by the retailer not to be consumed upon the premises would be of that charming character which M. Chevalier described as partaking more of the water of the Seine than the juice of the grape, just as our London porter was said to have an affinity for the water of the Thames. He therefore proposed that the charge for the licence should be uniformly between five to ten guineas.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member had certainly raised a very fair question for discussion; but he did not see that any material convenience was likely to result from the change proposed. The wholesale dealer was a man who usually dealt in large quantities of wine, or wished to have the power of doing so, and he therefore paid ten guineas for his licence. But it would be scarcely fair to charge the retail dealer, whose shop was open for the sale of other articles, so large a sum, and he could not see that any practical inconvenience would arise from maintaining a distinction, and he thought he had given a sufficient definition to secure the line between the two classes. A five or seven guinea licence would press so heavily upon the retail dealer that he would be required to dispose of wine some hundreds of pounds in value before he could realise any profit. If on the other hand they were to reduce the ten gninea wine licence to five or six guineas he was afraid the next step they would be called upon to take would be to reduce the ten guinea spirit licence.

MR. DARBY GRIFFITHS said, he was not disposed to take a puritanical view of the question, but he should like to know the description of shops likely to be engaged in the retail of wine. If wine was to be sold at every shop at which tea, sugar, and the like were now purchased, the result would be a great social change. He had hardly expected that it was intended by the Chancellor of the Exchequer to give facilities for the dissemination of wine in so profuse a manner. He was, therefore, in favour of the suggestion of the hon. Member (Mr. Ayrton) being adopted, for he thought without it the Bill would not contain a sufficient check to the evils to which it would give rise.

THE CHANCELLOR OF THE EXCHEQUER said, undoubtedly he had proceeded on the principle that there was no objection to the extension of the facilities for the sale of wine not to be consumed on the premises, but precautions would be taken to prevent the abuse of that power.

Original Question put, and *agreed to.*

Resolved, That the words—

"And for every Licence to be taken out by any person for the selling by retail in any shop of Foreign Wine not to be consumed in the house or shop or on the premises where sold—	£	s.	d.
If the house and premises shall be under the rent or value of £50 a year	2	2	0
And if the same shall be of the rent or value of 50 a year or upwards	3	3	0"

—stand part of the proposed Resolution.

Resolution to be reported *forthwith.*

House resumed.

THE CHANCELLOR OF THE EXCHEQUER said, he would then move that the Resolutions just passed should be reported

forthwith, in order that they might be inserted in the Bill in Committee. They would then form part of the Bill, and the Committee would then have an opportunity of voting on the whole of the clauses of the Bill. He would then reprint the Bill, and it would go forth at once as a whole for further consideration. He would not make the Motion if it was against the general wish of the House.

Resolution *reported*,

"That, towards raising the Supply granted to Her Majesty,

There shall be charged, levied, and paid unto and for the use of Her Majesty, Her heirs and successors, for and upon the several Licences hereinafter mentioned, the respective Rates and Duties following; that is to say:—

For every Licence to keep a Refreshment House—

	£	s.	d.
If the house and premises in respect of which such Licence shall be granted shall be under the rent and value of £20 a year . . .	0	10	6
And if the same shall be of the rent or value of £20 a year or upwards	1	1	0

And for every Licence to be granted as hereinafter mentioned to any licensed keeper of a refreshment house to sell therein by retail Foreign and British Wine to be consumed in such house or on the premises belonging thereto—

	£	s.	d.
If such house and premises shall be under the rent and value of £50 a year	3	3	0
And if the same shall be of the rent or value of £50 a year or upwards	5	5	0

And for every Licence to be taken out by any person for the selling by retail in any shop of Foreign Wine not to be consumed in the house or shop or on the premises where sold—

	£	s.	d.
If the house and premises shall be under the rent or value of £50 a year	2	2	0
And if the same shall be of the rent or value of £50 a year or upwards	3	3	0"

Resolution *agreed to.*

Instruction to the Committee on Refreshment Houses and Wine Licences Bill that they have power to make provision accordingly.

Committee of Ways and Means to sit again *To-morrow.*

REFRESHMENT HOUSES AND WINE LICENCES BILL.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. PALK said, he rose to move that the Bill be committed that day six months. If a reason were required for the proposal he was about to make, it would be found in the course taken by the right hon. Gentleman the Chancellor of the Exchequer, in placing upon the notice paper Amendments that would to a great extent alter the principle of the Bill, and refusing to consent to recommit the Bill in order that it might be printed and the House enabled fully to understand the bearing of the clauses which he proposed. But there were other reasons that led him to take a course that would again raise a discussion on the principle of the Bill. The first reason was, that the main principle of the Bill was to extend the licensing system as far as circumstances would permit it to be extended, or as far as the demand for wines could be created. Now, he proposed to show that neither for the comforts nor the convenience of the people, nor even for the purpose of raising revenue, was such a course required or necessary. He would, on the contrary, show that unrestricted competition in the sale of alcoholic drinks tended to injure the health, the morals, and the happiness of the people. The hon. Member for Leominster (Mr. Hardy) had clearly proved that proposition in a speech delivered by him on the introduction of his Beer Bill in 1857. This was by no means a new idea of the Chancellor of the Exchequer. It had been introduced as long ago as the reign of William and Mary, but the evil became so great that in the reign of George II. the Legislature, even in those days, which, compared with the present, were supposed to be degenerate days, was obliged to pass strong restrictive laws on the subject. A duty of £20 was imposed on retailing licences for the sale of spirits, and no licence was given to any person to keep an alehouse or retail brandy but at a general meeting of justices of the peace. The Chancellor of the Exchequer now sought, for the first time, to destroy the whole control of the magistrates; he attempted to cast a slur on that body, and proposed that the only person to have a voice in the matter should be the Supervisor of Excise. But, looking at the Bill as a fiscal measure, he asked whether the Chancellor of the Exchequer had shown any good reasons for extending the trade in alcoholic drinks. By a return obtained in 1855 it appeared that there was a beerhouse for every thirty-eight males and females over twenty-one years of age, and one for eighty-seven males of all ages, so that the accommodation for the sale of spirituous liquors was now sufficient for the wants of the country. But even if it could be proved that there

was any want of houses for the sale of such liquors, there existed ample machinery for increasing them to any extent that might be required. The system proposed by the Chancellor of the Exchequer was tried in Liverpool, and the right hon. Gentleman had alluded to it in his speech the other evening. He said ,that when the magistrates of Liverpool hesitated in increasing the licences drunkenness increased, but that, on the other hand, when they extended the licences drunkenness decreased; and he instanced that as a contradiction of the prevailing opinion that a multiplication of the means of drinking increased drunkenness itself. But what had been the fact? The magistrates of Liverpool certainly exercised the powers they possessed and extended the licences, but they had to increase their police, and the evil of drunkenness rose to such an extent that through their representatives in Parliament they asked for and obtained the Committee that sat under the presidency of the hon. Member for Wolverhampton. That Committee reported that there should be only one species of Excise licence granted. The Bill created a most extraordinary anomaly. The magistrates were to have a control over the character of the houses, but none over the number to be licensed. At present the magistrates had a control over the indefinite multiplication of licences; but the present Bill took away from them all such control. By a new clause put on the paper any house called a refreshment-house, on payment of the duty, unless notice in writing was given by the Lord Mayor, police magistrates, or the justice of the peace, that it was not a confectioner's shop or an eating-house, or that it was a disorderly house, no matter what the character of the applicant might be, was entitled to a wine licence. The applicant for a licence might be a man or woman of indifferent character, but unless upon these grounds, which gave no security for the respectability of the applicant, no one had the power to hinder the granting of a licence. That was a matter of serious importance in the view of public morality, because such a provision at once broke down every barrier against vice and immorality, which Parliament had been endeavouring to raise with much labour and great expense. He (Mr. Palk) could not perceive what was the real principle of the measure. Was it a free-trade or a protective measure? Indeed, he was wholly at a loss to discover whether the Chancellor of the Exchequer was a Free-trader or a Protectionist. If he was a Free-trader, upon what principle did he impose restrictions upon the sale of wine; and if he was a Protectionist, upon what principle did he impose a duty upon articles of our own manufacture? The right hon. Gentleman had said, that in introducing this measure he was following the policy of Sir Robert Peel in carrying free trade into the sale of wine. But a gentleman of great authority, at a Manchester meeting, declared that no one had any right to talk about this proposal as a development of free trade, with which it had nothing to do. The whole question was one of public safety, which would justify any amount of interference, if it would justify interference at all. Another speaker, Mr. Barker, denied with equal force that free trade had anything to do with the present scheme of the Government. The Bill, in fact, combined all the objections that any one might entertain for free trade, with those which hon. Members had so constantly advanced against protection. He would venture to say that the right hon. Gentlemen was totally ignorant of those high and noble principles which induced Sir Robert Peel to make such sacrifices—to sacrifice, in short, the great party which he had led, and to forfeit, for a time, at least, the estimation of his friends. His principle was that of remitting all taxes upon food and raw material—to raise and elevate the artisan and the labourer by placing him in a better pecuniary position—to raise him by education, and to show him that there was but little difference between the working man and the gentleman, except in social position. The course the Chancellor of the Exchequer was pursuing was the exact converse of that of Sir Robert Peel. For pure fiscal purposes, and for the sake of a revenue he had parted from that he might make a treaty with France for which he had received no reciprocity, the right hon. Gentleman had created a deficit which with singular infelicity he sought to make up from the necessities of the poor and the improvident. By alluring people to drink wine to which they were unaccustomed, the right hon. Gentleman hoped to raise a paltry sum of £60,000, to gain which he proposed to pass a measure fraught with all the evils and misery that the House had been for years seeking to remove. During the last fifty years a large number of earnest and sincere men had been doing all they could to promote the education and moral im-

provement of the people. They were good, unobtrusive men, who did not content themselves with making grand speeches in the House of Commons, but who went about their work steadily and perseveringly. They were called by various names, though that by which they were most commonly known was the "teetotallers." He knew that that name generally excited a smile, but he did not understand why, for he had the pleasure of knowing many teetotallers, and he believed they practised the self-denial which they inculcated. They had, however, been very successful; they had extended their organization throughout the country, and one of their principal aids was the temperance coffee-house, which enabled a man to obtain his meals without the risk of being tempted to indulge in intoxicating liquors. But the Chancellor of the Exchequer stepped in and broke down the barrier which the friends of temperance had raised by insisting that every house of entertainment should be licensed. Under the proposed arrangement the modest, sober coffee-house would no longer be able to hold its ground against the attractive places of resort which would be established for the sale of intoxicating drink, and would be tempted to enter the same dangerous trade. There was a Divine appeal which said "Lead us not into temptation, but deliver us from evil;" but this was not the rule of guidance of the Chancellor of the Exchequer. Whether, as a question of free trade, fiscal arrangement, or social policy, the right hon. Gentleman had no right to force such a Bill on the attention of the House. As a fiscal measure it was wicked and unnecessary; and as a social measure it was opposed to the interests of public morality, and he should have considered himself wanting in his duty to himself and his constituents if he had refrained, even on that occasion, unusual though it were, from raising his voice against the measure.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day six months, resolve itself into the said Committee,"

instead thereof.

MR. PACKE said, he rose to second the Motion. Licences were generally imposed for the purpose of controlling immorality, but the proposed Bill simply imposed licences for revenue. He was opposed to the wine licences, but he entertained a far stronger objection to the licensing of refreshment-houses. The lodges in the public Parks, where oranges, ginger beer, and cakes were supplied, and every little shop where a child bought a cheesecake or a gingerbread nut, would be obliged to take out a licence. There was no more reason why a 10*s.* 6*d.* duty should be imposed on these refreshment-houses than on bakers' or butchers' or any other shops. The whole measure was a gross infringement of the liberty of the subject, and he hoped the House would pause before it countenanced so extraordinary a course of legislation.

THE CHANCELLOR OF THE EXCHEQUER said, he hardly supposed that it was desired to resume at any length the discussion which was brought to a close on Monday evening. His hon. Friend who spoke last did not appear to have said anything in the nature of an objection which went to the root of the Bill. In the first place, he begged leave to assure the hon. Gentleman that he had not construed accurately the clause as it stood. Its scope was far more limited than he appeared to suppose. There was no question of compelling every person to take out a licence who sold anything to be eaten or drunk. The Bill was subject to the most important limitations, which he should not go into then, because they had much better be discussed on the clauses. As regarded the speech of the Mover of the Amendment, he admitted that it dealt broadly with the whole subject. The hon. Gentleman, however, made an imputation upon him to the effect that he had exhibited great distrust of the magistracy, which was certainly not warranted. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had more truly said the other evening that the powers in the hands of the magistrates were enormous, and that it was necessary, as a matter of justice, to limit them. That was much nearer the truth, for the powers were much too large, and they were limited in the Bill. He had listened with great attention to the arguments of the hon. Member for South Devon, and he readily admitted that his conscientious opinions were entitled to every respect. But the great fallacy with regard to this Bill was that hon. Gentlemen declined to make those distinctions which lay deep in the nature of the case. They referred to the failure of the Beer Bill, though he must say that, even with regard to the Beer Bill its failure was one of a far more qualified kind, and related more to certain peculiar parishes and districts than hon. Gentlemen were

willing to admit. But however that might be, the present Bill was altogether of a different nature. He propounded it as a deliberate attempt to improve the means of supplying refreshments to the public, and of enabling the people to find fermented liquors at the same places where eatables were to be had. After having fully argued the question on a former occasion, he did not think it would be respectful to the House if he went over them again, but he hoped in Committee the hon. Gentleman would reconsider the propositions he had made.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*:—Main Question put, and *agreed to*.

House in Committee.

Clause 1 (Every Person keeping a Shop entitled to take out Licence to retail Wine not to be consumed therein).

THE CHANCELLOR OF THE EXCHEQUER moved an Amendment for the purpose of restricting the sale of wine not to be consumed on the premises to wine in bottle only.

Amendment *agreed to*, as was an Amendment making the clause applicable to British as well as foreign wines.

MR. PALK said, this clause raised the question so much discussed, namely, that any person keeping a shop for the sale of goods or commodities might sell wine in bottle, and he wished to ask whether they would be under the control of the police.

THE CHANCELLOR OF THE EXCHEQUER said, that every person keeping a shop would be entitled to take out a licence for the sale of wine in bottle, and that they would not be under the control of the police.

MR. WOODD said, he would propose the insertion of the words, "other than foreign wines" after the word "commodities" to prevent the holders of ten guinea licences under the existing law from exchanging those licences for three guinea licences under the present Bill.

MR. AYRTON said, that generally the term wholesale dealer meant a person who sold to the retailer and did not sell direct to the consumer, but in the wine trade it had a statutory meaning—namely, a person who sold more than a certain quantity whether to a retailer or a consumer. A licence under this Bill would enable the dealer to sell any quantity, small or large, and render the present wholesale licence of £10 10*s*. unnecessary.

THE CHANCELLOR OF THE EXCHEQUER said, the clause had been considered by the legal advisers of the Government, and they thought the sale of "goods and commodities" was clearly defined, and that there was no fear of their enabling persons to substitute a retail licence for a wholesale licence. But he might further observe, that the second clause would prevent such substitution taking place. He understood that the wholesale dealer had a right to do everything which was proposed now to be given to the retail dealer.

MR. AYRTON said, a distinction must be drawn between the terms. He believed a wholesale dealer would not be entitled to sell less than two gallons, and if a man sold less than one dozen, then he would be a retailer.

THE CHANCELLOR OF THE EXCHEQUER said, they had constituted a licence which was to enable a person to sell wine by retail in general. Then as to what would be a selling of wine by retail was determined by the second clause.

MR. JOHN LOCKE said, there were two classes of retailers of wine at present—the licenced victuallers and the persons who sold quantities of not less than two gallons. If the clause was passed as it stood, no man would pay ten guineas for a wholesale licence when he could obtain the same power by taking out a retail licence, which would enable him to sell any quantity.

SIR STAFFORD NORTHCOTE said, he understood that any person who kept a shop for the sale of any goods or commodities might, if he chose, sell wine by retail not to be consumed on the premises; but that did not subject him to the control of the police. Now, he wished to know how they were going to prevent a person from selling wine retail to be consumed on the premises.

MR. W. EWART said, he apprehended the clause was sufficiently clear to prevent any evasion, as the parties would only be entitled to sell in bottles.

MR. C. P. VILLIERS said, there were certain persons to whom the granting of licences for the retail of wine was limited. The object of the Bill was simply to extend that privilege to persons keeping refreshment-houses. It was clear that a man who only took out a three-guinea licence could not effect the same sale as a man who took out a ten guinea licence.

MR. AYRTON said, he wished to ask the meaning of the words "without pro-

ducing or having any other licence or authority."

THE CHANCELLOR OF THE EXCHEQUER said, the words were not directed to any other purpose than signifying the intention of the law that there should be no control by the magistrates or any other authority. As to the suggestion of the hon. Member (Mr. Woodd), he proposed to adopt the words "other than foreign wines;" and to add "or who shall have taken out licences as dealers in wine," because he thought it reasonable to allow the holders of wholesale wine licences to take out retail licences also, if they pleased. He did not think that there was any danger of these shops becoming drinking places, and he was sure that it would not be wise to subject the mere passing of bottles through the shops to the surveillance of the police.

MR. SPOONER said, he wished to ask whether there was anything to prevent the retail dealer, to whom they were about to give a £3 3*s*. licence, from selling out of his shop to anybody.

THE CHANCELLOR OF THE EXCHEQUER said, the object of the 2nd clause was to prevent that.

MR. PALK said, he put the case of a large tailor who kept a large number of hands—working probably on the premises—what was to prevent him from taking out a licence and retailing wine to his workmen?

THE CHANCELLOR OF THE EXCHEQUER said, there was nothing to prevent such a man from retailing British wines at present in the way described, but he never heard of the practice.

Amendment *agreed to*.

THE CHANCELLOR OF THE EXCHEQUER said, he would propose as an Amendment, after the word "retail," to add the words "and in reputed quart bottles only." He believed that those words would afford a check against the abuse of the power of selling wines in shops where it was not to be drunk.

MR. CROSS said, that the Act would be practically invalid unless wine was allowed to be sold in fictitious or reputed quart bottles.

SIR STAFFORD NORTHCOTE said, the object of these words appeared to be to prevent the drinking of wine on the premises by selling it in quart bottles. He did not see the use of this restriction, and it would be very hard if a poor man in case of sickness wanting a glass of wine was not allowed to get it unless he took a quart. If he could do so he would put it in his pocket, and would not care to stop and consume it on the premises. It would be going quite far enough to provide that wine should be sold in bottle only.

MR. MALINS said, he saw no reason why persons might not buy less than a reputed quart bottle. He did not see that there ought to be any restriction upon a person buying a pint or even a half-pint bottle.

MR. AYRTON said, the restriction was intended to discourage intemperance; and, if it were not imposed, there would be nothing to prevent a person buying a small quantity of wine in a bottle, and going out upon the pavement and drinking it, or in other ways evading the statute.

LORD FERMOY said, he believed that the measure could not be better defined than as a reputed quart bottle, and hoped the Chancellor of the Exchequer would adhere to that description.

MR. ALDERMAN SALOMONS said, the words "in reputed quart bottles" might imply that the sale must consist of two bottles, and he suggested that the words should be substituted "in not less than one reputed quart bottle."

MR. W. EWART said, it appeared to him that, as the object of the Bill was to diffuse throughout the country a taste for wine, there should be no unnecessary restrictions on the sale.

MR. MALINS thought that if the Chancellor of the Exchequer's object was to prevent these wine-sellers from allowing wine to be consumed on the premises, his plan for effecting that object was absurd. The right hon. Gentleman might as well have proposed that the wine-seller should not keep a corkscrew, nor his customer bring one with him in his pocket. Why should these people not be allowed to sell wine in any manner that might be most convenient to them.

SIR STAFFORD NORTHCOTE said, he was prepared to take the sense of the Committee against the insertion of these words, because he thought they contained a bad principle.

LORD FERMOY contended that it was necessary to draw a line of distinction somewhere to prevent these wine sellers from using their places of business as public-houses. A poor man could obtain his glass of wine at the public-house.

MR. HENLEY said, the experience of the working of the Beer Act ought not to be passed over in discussing this point.

By that Act a privilege was given to sell beer not to be consumed on the premises, and this was the sort of thing which used frequently to happen in houses of that description. A man would go in with a quart pot in his hand, and ask for "a quart of your best fourpenny." No sooner was it handed over than down it went like a flash of lightning, and then the man's confederate, who was waiting outside, would lay an information against the beerseller for selling beer to be consumed on the premises without a licence. The same thing would happen to the shopkeepers who might take to the retail sale of wine if the Legislature trapped them into selling it in open pints or glasses. A man would go in, ask for a small quantity, which is down his throat in a moment, and then the shopkeeper would be hauled up before the magistrates. It would be no use for him to plead that he could not help the man drinking the wine, the magistrates would say, "No doubt it is a hard case, but here is the law, and the law says your liquor is not to be consumed on the premises." A man could not play such tricks with a bottle—the neck of the bottle would stick in his throat; he could not dispose of the wine with the same rapidity as the beer in the quart pot. It was mainly in consequence of such practices as these, he believed, that the number of licences to retail beer not to be consumed on the premises had very much decreased of late years. Unless some proper safeguard were adopted, so many informations would be laid against the dealers in wine that they would soon give up selling it, as had already happened in regard to the sale of beer. He knew that owing to that very cause the beerhouses which formerly existed had almost all vanished from certain districts.

Sir MORTON PETO said, the returns showed that the number of licences for the sale of beer to be drunk on the premises was 39,945, but of licences to sell beer not to be drunk on the premises, the number was only 2,715. He concurred in the observations of the right hon. Gentleman who had just spoken as to the necessity of taking precautions against wine-sellers being victimised by the devices of informers.

Mr. EDWIN JAMES said, the substantial question was how to establish a line of demarcation between the sale of wine to be consumed on the premises and its sale for consumption off the premises. The sale in quart bottles was a well-known and sufficiently practical test in such matters.

Sir JOSEPH PAXTON said, he thought that the sale in quart bottles would almost do away with the sale of wine by retail. He would suggest a medium course—the pint bottle.

Colonel SYKES said, he objected to the use of the words "reputed quart bottle." They ought to adopt a legal measure, if any at all.

Sir STAFFORD NORTHCOTE said, he was unwilling to hinder the progress of the Bill, but he would suggest to the Chancellor of the Exchequer that the word "pint" would be preferable.

The CHANCELLOR of the EXCHEQUER said, he had listened as dispassionately as he could to that great bottle controversy. An important legal safeguard was involved in this matter, and he had no doubt that the argument of the right hon. Member for Oxfordshire was as sound as it was lively. All he desired was to give every practical accommodation to the public consistently with the prevention of fraud.

Mr. AYRTON said, he hoped the right hon. Gentleman would take his stand on the quart bottle. It was a good rule to stand upon what had been already adopted. If the wine-sellers were allowed to sell pints of wine, a man that wanted to tipple might carry pint flagons in his pocket, and, having purchased a pint of wine from one of these wine-sellers, he could go outside of the shop, drink it in the street, and return again immediately for another pint, and by the repetition of that process get drunk. But if the wine-seller were prohibited from selling less than a quart, that tippling could not be carried on so easily.

Mr. W. EWART said, he hoped the right hon. Gentleman would stand by the pint bottle.

Mr. JOHN LOCKE said, that if the pint bottle were admitted, all the inconveniences so graphically described by the right hon. Gentleman (Mr. Henley) would be aggravated. He did not think the use of a pint bottle would prevent a man from drinking off wine like a flash of lightning. He would suggest to the Chancellor of the Exchequer that he should stand by the larger bottle.

Mr. HENLEY said, no doubt he had seen the lazzaroni of Naples get the contents of a bottle of wine down their throats in a very continuous and rapid stream. He would recommend the hon. and learned

Gentleman, however, to walk into the refreshment-room and try how long it would take to empty a pint bottle by putting the neck in his mouth. He (Mr. Henley) thought he would find the operation a slow one.

MR. WOODD inquired whether there was anything to prevent wine being bought, for the purpose of being drunk at home, in houses licensed to sell it for consumption on the premises.

THE CHANCELLOR OF THE EXCHEQUER: Not at all.

MR. WOODD: Then he would have the word quart retained.

MR. CLAY expressed an objection to any proposal which would offer additional inducements to curtail the size of pint and quart measures, which was diminishing daily. If "reputed" quantities were to be sanctioned at all, he thought the quart was the one which the House ought to adopt.

MR. EDWIN JAMES said, it was a mistake to suppose that a reputed quart was not a defined and ascertained measure. It was already provided by an Act of 11 and 12 *Vict.* that a reputed quart should be one-sixth of a gallon. He hoped that the Chancellor of the Exchequer would stand by the quart; if not, he (Mr. James) should make a "pint" of doing it.

MR. W. WILLIAMS said, he could corroborate the statement as to the limited capacity of "reputed" measures. A reputed quart had been declared to be one-sixth of a gallon; but any hon. Member who might wish to try the experiment in the refreshment-room would find, he thought, that it would take three reputed pints to make one quart bottle.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 33; Noes 90: Majority 57.

THE CHANCELLOR OF THE EXCHEQUER then proposed to insert the words "in reputed quart or pint bottles only."

SIR MORTON PETO suggested that the words "Imperial quart or pint" would be more suitable.

SIR STAFFORD NORTHCOTE thought no object would be gained by it. They had decided that wine sold by retail should be in bottles.

MR. WARNER thought the quantity should be defined.

THE CHANCELLOR OF THE EXCHEQUER said, there were objections to inserting the legal measure, which might bring them into collision with the Customs regulations.

MR. M'CANN said the size of bottles was so rapidly diminishing that he was reminded of the Motion introduced into the Irish House of Commons by Sir F. Flood, to the effect that every quart bottle should hold a quart. [MR. BASS: No, but hold a pint.] No, that might do for England; but they liked good measure in Ireland, and the Motion was that every quart bottle should hold a quart.

THE CHANCELLOR OF THE EXCHEQUER said, he would make inquiries, and insert words to render the definition more clear, if it were found necessary. The *primâ facie* inference was that a pint was not a quart.

Amendment *agreed to.*

Clause *agreed to.*

Clause 2 (What shall be selling by Retail).

MR. SPOONER said, he wished to ask whether the wholesale dealer would have a right to sell a less quantity than two gallons?

THE CHANCELLOR OF THE EXCHEQUER said, the intention of the clause was to confine the retail dealer to the sale of one dozen of wine at a time to one customer.

MR. SPOONER said, he would then inquire if the wholsesale dealer would have a right to sell a less quantity than at present?

THE CHANCELLOR OF THE EXCHEQUER: Not without a retail licence.

MR. AYRTON said, that a person who took out a wholesale licence could not sell less than two gallons, and the right hon. Gentleman now proposed every sale of foreign wine, in less quantity than two gallons, should be deemed a sale by retail. He did not say that he might not sell more than that. If the clause stood in its present shape there would be an end of all wholesale wine licences.

SIR FRANCIS BARING said, he saw no reason why a retail dealer might not, under the operation of the clause, sell a dozen dozens of wine in a single day, provided each dozen were sold at a different time, and thus at once interfere with the profit of the wholesale dealer and defraud the revenue.

SIR WILLIAM MILES said, no doubt the law might be evaded. He thought the wine would come into the retailer's possession from the wholesale dealers, the same as the beer came to the beer-sellers from

the large brewers. In that case no practical injury would be inflicted on the wholesale dealers.

Mr. HENLEY said, at present, persons could not buy less than two gallons of spirits or wine without going to a publican. He thought that a person who took out a wine licence ought to be placed on the same footing as a publican.

The CHANCELLOR of the EXCHEQUER said, he thought the law might be evaded to a great extent by such dishonest acts as those referred to by the right hon. Baronet the Member for Portsmouth, by the cumbrous process of making out separate Bills; but he did not believe it would reach to the extent of injuring the wholesale dealer. Publicans were not limited by their licences as to the quantity they sold. It was not proposed to interfere with them by this clause.

Sir STAFFORD NORTHCOTE said, he should like to know whether a party of a dozen gentlemen, or a larger number, dining together—such a case, for instance, as that of Her Majesty's Ministers taking their whitebait dinner at Greenwich—could, under the operation of the clause, be served with only a dozen bottles of wine.

The CHANCELLOR of the EXCHEQUER replied that he did not conceive there would be any limitation in such a case.

Mr. DUTTON suggested an alteration in the clause which would protect the wholesale dealer.

Mr. M'CANN said, as he understood the clause, it meant that every man of the company who dined together could get a dozen.

Clause *agreed to.*

Clause 3 (Permitting drinking Wine in a neighbouring House, Shed, &c., with intent to evade the Provisions of the Act, to be deemed drinking on the Premises).

Mr. WARNER said, he would propose to insert the words "or in the open air in the immediate neighbourhood of the shop or premises."

The CHANCELLOR of the EXCHEQUER said, he thought that such words were not necessary, for evasion was not likely, in this country, to take place in that form; and it might sometimes inflict on parties very great hardships.

Mr. AYRTON suggested the substitution of the word premises for house, which would cover a cricket or bowling-green.

Sir William Miles

The CHANCELLOR of the EXCHEQUER said, he saw no objection to the substitution of the one word for the other.

Amendment by leave *withdrawn.*

Clause *agreed to.*

Clause 4 (Who shall be deemed to keep a Refreshment House).

The CHANCELLOR of the EXCHEQUER said, he wished to remove one or two misapprehensions as to the effect of this clause. The hon. Gentleman who seconded the Amendment, for the purpose of throwing the Bill over at this stage, appeared to consider that this clause obliged all persons selling refreshments to take out a licence. Now, he wished to observe that the clause was limited in two most important particulars. In the first place, the victuals or refreshment was to be consumed on the premises, and in the next place the sale of victuals or refreshment was to constitute the purpose for which the House was kept open, and was not to be accidental, secondary, or occasional. For instance, if a lodging-house keeper engaged to supply some of his lodgers with victuals, that would not bring him within the operation of the clause. Still, he thought it would never do to indicate by name certain places which would be excepted from the Act, such as temperance hotels, coffee-shops, shell-fish shops, and other places of public resort. This was recommended by the Committee, but he did not think their Report would be a safe guide in this particular.

Mr. HARDY said, he would propose that all places kept open to the public for refreshments between the hours of ten o'clock at night and four o'clock in the morning should be deemed refreshment-houses. He would next propose that the licences should be compulsory on all persons who kept such houses; and then, if the Chancellor of the Exchequer wished to carry out the clause as it stood, it would be necessary to strike out the words in the 26th line, and insert "refreshment-houses kept open between ten and four o'clock at night." That alteration would carry out the views of the Committee, and would, he thought, be most desirable. There was no evidence against eating-houses which were kept open only during the day; but the police declared that they could often not clear the streets at night because of refreshment-houses which were open when other places were shut up. He had heard that in some of those night refreshment-

houses it was just as easy to get gin as coffee; but the liquor was brought in a coffee-cup, with a cream jug at hand, to prevent suspicion. At the proper time he should propose clauses inflicting penalties on those who kept their houses open between the hours named without taking out a licence, and empowering the police to inspect such refreshment-houses. He thought it would also be necessary to have a further clause to place refreshment-houses that were open at night upon the same footing as beershops, and that if the proprietors of those places knowingly permitted prostitutes, gamblers, or other bad characters to assemble, they should be liable to the same penalties as beershopkeepers were exposed to. In the case of a third offence, the licence should be suspended for a year. He submitted these suggestions in the cause of good order, and he hoped they would meet with the approval of the Committee.

MR. AYRTON remarked, that the words proposed by the hon. Gentleman would fulfil all the objects they had in view, and they would place a practical line of demarcation between those houses which were to be licensed and those that were not.

MR. HENLEY said, he hoped the Chancellor of the Exchequer would accept the proposal of his hon. Friend. If he did so, it would save a great deal of discussion upon the subsequent clauses, for it was a very serious question to consider what houses were to be subjected to the visits of the police. The right hon. Gentleman had relied upon the words "kept for the purpose," but were not boarding-houses kept for the purpose of selling victuals? Were those respectable establishments to be subjected to visits from policemen with black beards, red beards, and beards of every colour, at any hour, turning all the inhabitants topsy-survy? He thought it would be better to make this a tentative measure, and if further restrictions should by experience be found to be necessary, it would be easy to introduce them, but it would be most improper to make the measure too oppressive in the first instance.

THE CHANCELLOR OF THE EXCHEQUER said, he would admit there was much force in the observations of the right hon. Gentleman. There was much truth in the remark that it would be well to proceed tentatively in the first instance, and, if mischiefs should be shown to exist afterwards, it would be easy to remedy them at a future time. If he adopted the proposition of the hon. Gentleman, he apprehended the hon. Member for Somersetshire (Sir William Miles) could not proceed with his proposed limitation in country places, nor should he (the Chancellor of the Exchequer) proceed with his limitation as to open shops. He would wish to know, however, whether the hon. Member intended to include cigar-shops in the words "refreshment,, resort, or entertainment;" for those shops were open at night, and were not of the best class of houses. He did not refer to large divans, but to a multitude of small shops, which should be subjected to the same restrictions as other shops that were open at the same hours. Then there were the shops where penny ices and lemonade were sold, which were kept open at night, but which were of a harmless character; but, as the licence fee was so low, probably it was hardly worth while to make any exception. Upon another point he also wished to ascertain the feeling of the Committee. He thought the hours named—ten to four—were too limited, and should be from nine to four, or nine to five. His own opinion was, that the words were so large that cigar-shops would be included in them; but he would assent to the Amendment, provided the hours were to be from nine to five, instead of from ten to four.

MR. HARDY said, he was anxious that the words respecting the hours should be as extensive as possible, bearing in view the social welfare of the people. He was much obliged to the right hon. Gentleman for introducing his suggestion, but he thought the licence duty was so very small that, if there was any object in keeping a house open after nine o'clock at night, the licence fee would scarcely be felt. He did not therefore object to the extension of the language of the clause so as to include cigar shops. The great object he had in view was to prevent the illicit sale of intoxicating liquors.

SIR W. MILES said, that under the circumstances he should not think it necessary to bring forward his Amendment. In reference to the hours suggested for the shutting up of unlicensed refreshment-houses, he would remind the right hon. Gentlemen that the coffee-shops were generally frequented at night by men who resorted to them for the main object of reading the newspapers, and who seldom finished their perusal until ten o'clock at night.

MR. AYRTON said, he thought reading-rooms ought to be excepted where there were no liquors sold.

Clause, as amended, *agreed to.*

Clause 5 (Confectioners and Eating-house Keepers entitled to take out Licences to sell Wine to be drunk on the Premises).

MR. AYRTON said, they had passed all the clauses in the Bill which related to the imposition of the tax and defined its object, and now they were going to deal with clauses relating to public morality. They had passed what was called a Money Bill, but they had appended to it a number of provisions which related to the general conduct of the community, and which would require the consideration not only of that but of the other House of Parliament. In the other House there were lords spiritual, who had the opportunity of communicating with all the clergy, and could obtain information which hon. Members generally had not the same facilities to procure. Many peers, too, took a deep interest in the question of temperance; but he apprehended they would be precluded from making any Amendments in the Bill if it was sent up to them in a shape by which two distinct subjects were mixed up together. He would therefore appeal to the Chancellor of the Exchequer to adopt a similar course to that which he pursued in respect to the Stamp Duties Bill, from which he separated the portion repealing Sir J. Barnard's Act, and, omitting from the present Measure all the provisions relating to questions of police, to introduce those provisions in a separate Bill.

MR. CAYLEY said, he did not regard the present clause simply as a police clause. It was a clause which enabled parties to do something for the public convenience; but he could not understand why the proprietors of the refreshment places mentioned in the clause should be disabled from selling a glass of beer, if a customer preferred that beverage to wine.

THE CHANCELLOR OF THE EXCHEQUER said, that the intention of the Bill was not to interfere in any way with beer-houses, properly so called; but the fact of a person holding a wine licence would not disqualify him from holding a beer licence, nor would the holding of a beer licence disqualify him from holding a wine licence. It would be absurd for the Legislature to say that the proprietor of an eating-house should have the option of giving his customers beer exclusively or wine exclusively, but should not be enabled to serve beer and wine, accordingly as persons might prefer one to the other. With respect to what had fallen from the hon. Member for the Tower Hamlets, he did not think that the Committee had yet reached that part of the Bill to which the hon. Member's remarks applied, but he could not accede to the doctrine that the licensing portion of the Bill should be separated from the police portion. If reference were made to the Beer Act, it would be found that the dealing with these two matters together was according to precedent; and if the House of Lords made any alteration in the police portion of the Measure, the House of Commons, though it would not accept the Bill so altered, as it was technically a revenue Bill, yet, if it approved of the alteration, might send up to the Lords another Bill embodying the Amendment. He had omitted from the Stamp Duties Bill the clause respecting Sir J. Barnard's Act, because it had no relation to revenue.

MR. CAYLEY inquired whether the right hon. Gentleman had any objection to the insertion of the words, "or malt liquors?"

THE CHANCELLOR OF THE EXCHEQUER said, that, individually he did not object to the insertion of the words, but he thought them unnecessary.

MR. HARDY said, that as he understood the Chancellor of the Exchequer, he made it a condition to the obtaining of the licence that the house should be a refreshment-house for the sale of food, and this he considered would occasion great difficulty as regarded the definition.

MR. HENLEY said, he thought they had limited refreshment-houses to a certain class. He wished to know if he were right in that respect? He hoped that the Bill would be reprinted as amended, so that they might be better able to judge the effect of the Amendments, and to introduce such verbal Amendments as should carry out the intentions of both sides.

MR. BRADY asked if the Chancellor of the Exchequer would not interfere with the beer licence regulations in any way? Suppose, for instance, a man who had a beer licence, and was obliged, in conformity with it, to close his place at eleven o'clock, took out a licence to keep a refreshment-shop, would he have a diversity of regulations applying to the two branches of business, carried on in the same premises?

SIR STAFFORD NORTHCOTE said,

that persons might at present take out a wine licence or a beer licence, but they would not be exactly in the same position, and it would be desirable that the position of a person taking out either should be distinctly defined.

MR. PALK said, he did not know whether he should be in order by at once moving his proviso.

MR. HENLEY remarked that the clause previous to that which the hon. Member wished to move an Amendment was not yet disposed of.

MR. HARDY said, he considered that it was almost impossible to lay down by any rule what refreshments should be supplied as particularly connected with wine drinking.

THE CHANCELLOR OF THE EXCHEQUER said, it was intended to place the houses for the sale of the wine on precisely the same footing as houses for the sale of beer. Both would close at the same time.

MR. PALK said, he would then move the insertion of the following proviso at the end of the clause :—

"Provided always, that in any borough, not being a corporate borough, or in any rural district, the consent in writing of two justices of the peace for the said county be first obtained, and that the said justices in their several districts shall have the power of summarily dealing with any licence so obtained, in cases where conviction before a bench of justices shall have taken place, or where card-playing or gambling has been proved to have taken place, or where persons of notoriously dishonest character, or where trampers are known habitually to frequent."

MR. AYRTON said, he wished to know if they were finally passing the clause, or if it were intended to amend it before they passed the Bill? He thought it was intended to confine the licence to a certain class, but the clause did not carry out that assurance. He hoped that a proper definition of the parties who might obtain a licence under the Bill would be given in the clause.

MR. SPOONER said, he rose on a point of order. The proviso was at present the subject under discussion, and it was incompetent to make any alteration in the clause, it having been agreed that no further Amendments would be made.

THE CHAIRMAN confirmed the hon. Member's statement.

THE CHANCELLOR OF THE EXCHEQUER said, it was a very fair subject for consideration, what phraseology would convey to the magistrates a fair and intelligible indication of what Parliament meant by an eating-house. The simplest mode of making it understood might be the words "*bonâ fide* eating-house," but the phrase *bonâ fide* had lately been so damaged and battered in reference to the construction of another Act of Parliament that it was the very last definition he should care to employ. Unless there could be some stringent and effective, yet at the same time intelligible, definition of an eating-house, the result would be that every beerhouse would take a wine licence. It was not, however, intended to create new drinking-houses, but to facilitate the granting of wine licences to eating-houses. He should be glad to receive any suggestion or assistance in regard to the language of the clause. With regard to the proviso moved by the hon. Member (Mr. Palk), he thought it was unsuited to the structure of the Bill, because it brought together inconveniently what was divided in the Bill, and what ought to be divided — namely, the preventive provisions, which were intended to obstruct the improper issue of licences, and the penal provisions which followed the abuse of licences. With regard to the penal provisions, he thought that some of the objects which the hon. Gentleman had in view would be attained by certain Amendments of which he (the Chancellor of the Exchequer) had given notice. For example, in the 12th clause, he proposed to enlarge the grounds of veto by the magistrate in such a way as to enable him to include the disqualification of a person by a prior conviction in another place. With regard to the first part of the proviso, which provided that in rural districts the consent in writing of two justices of the peace for the county should be first obtained, the great objection to it was, that when applied to for that consent, the magistrate would not know upon what grounds to give it. That appeared to him a conclusive objection to a provision of that kind, unless they laid down definite grounds for the magistrate to go upon.

MR. NEWDEGATE observed, that the objections which had been raised to the Bill on that (the Opposition) side of the House were of a fair and forcible character. He had applied to the chief constable of the county which he had the honour to represent, to know what would be the effect of the Bill; and that gentleman, who was an officer of considerable ability and experience, assured him that it would

be attended with an increase of disorder, and would entail the necessity of an increased police force. They might rely upon it that they could never get over the disadvantage of vesting the granting of licences in the hands of authorities other than those who would be responsible for the conduct of such houses. They had a striking instance of that disadvantage in the case of the beerhouses. As the matter ran with beerhouses so it would be with these winehouses. He agreed, however, with the right hon. Gentleman that if such a proviso as was now proposed were agreed to, the Committee were bound to state on what grounds the justices were to refuse their consent, and declare a man to be unfit.

Mr. PALK said, his object had been attained to a great extent. It was to call the attention of the Chancellor of the Exchequer to the difference which existed between large towns and rural districts. Many of the small towns in the county which he represented were almost inaccessible from the want of proper roads, and all he wished was that the Bill should give to the population in those places the same amount of protection as was given to the urban population of large towns. He should, therefore, rest satisfied if the Chancellor of the Exchequer would promise to give his attention to these two points—the propriety of empowering magistrates to inquire into the character of applicants for licences and of providing for the withdrawal of a licence, by summary conviction, in the event of any irregularity taking place.

Clause *agreed to.*

Clause 6 (Wine Licences not to be granted for Refreshment-houses under a certain Rent or annual Value).

Mr. LYALL said, he would propose to insert the words, "which shall not have been established twelve months previous to the application for such licence." It was desirable that a refreshment-house should be *bonâ fide* a house for refreshment, and he thought that object might be gained by limiting the licences to houses which had been established twelve months. His object was to prevent shops being opened under the colour of refreshment-houses, solely for the sale of wine.

The CHANCELLOR of the EXCHEQUER said, he thought the Amendment would be both ineffectual and vexatious. There were many refreshment-houses which had been established for twelve months, which had no pretension to receive a licence; and, on the other hand, it would be vexatious to compel a man to keep open a house for a year without allowing him to sell wine before he was entitled to apply for a licence.

Amendment *negatived.*

Clause *agreed to.*

Clause 7 *struck out.* Clause 8 *agreed to.*

Clause 9 (By whom Licences under this Act shall be granted).

Mr. P. W. MARTIN said, he would suggest whether as the proprietors of refreshment-houses would have the same privileges as licenced victuallers and beerhouse-keepers, they ought not to have the same liability with regard to the billeting of soldiers.

The CHANCELLOR of the EXCHEQUER observed that it was part of a peculiar and antiquated system, full of difficulties, and that it would be much better not to import any such provisions into the new system they were now devizing.

Clause *agreed to,* as were also Clauses 10 and 11.

Clause 12 (Notice of First Application for a Wine Licence for a Refreshment House to be given to Justices, who may object to the granting thereof, on grounds to be stated).

The CHANCELLOR of the EXCHEQUER said, he had a number of Amendments to propose, for the purpose of giving the jurisdiction in the Metropolis to the Commissioners of Police.

Mr. AYRTON said, he considered the proposition most unsatisfactory. It was most unreasonable to put the Metropolis entirely in the hands of the Commissioners of Police, who were officers of the Crown, and in no way responsible to the inhabitants, either directly through the municipality, or indirectly through the justices of the peace. That would be the introduction of a new system of administration which he viewed with alarm. What he suggested was that they should strike out from the clause the words "magistrates of the Metropolis," and have one uniform system of justices of the peace. He appealed to hon. Members to place the counties of Middlesex, Kent, and Surrey, in which the Metropolis was situated, on the same footing as the rest of England. If the Chancellor of the Exchequer's propositions were sanctioned, the consequences would be most mischievous.

Mr. SOTHERON ESTCOURT said, he presumed that the object of the Chancellor

of the Exchequer in having reference to the Commissioners of the Police was to prevent the issuing of licences to improper persons. He would suggest that, although notice might be given to the police, the licence ought to issue from the judicial authorities who exercised their functions nearest to the spot where the applicant resided.

THE CHANCELLOR OF THE EXCHEQUER said, his object was to secure knowledge on the part of the person exercising jurisdiction, and in the Metropolis the only persons who had the requisite knowledge were the police. He thought that the stipendiary magistrates might have the power of granting licences if care was taken that they had full knowledge of the matter. His first Amendment, however, and which alone was now before the Committee, had reference simply to giving notice of applications for licences.

MR. AYRTON said, he had no objection to notice being given to the magistrates as well as to the police, but as the first Amendment would lay the foundation for a number of others, all framed for the same purpose, he insisted that notice should be given to the justices also.

SIR GEORGE GREY said, nearly all the jurisdiction in matters of this kind had already gone from the magistrates in the districts round the Metropolis to the police, who were considered to have the best knowledge of parties applying for licences.

THE CHANCELLOR OF THE EXCHEQUER said, he thought they might duplicate the notices, and he would therefore move the insertion of the following words:—"To the chief clerk of the Commissioners of Police and to the magistrate of the police-court nearest to such refreshment-house."

MR. AYRTON said, that the proposition of the Chancellor of the Exchequer was not sufficient. Notice should be given to the divisional clerk of the justices. The right hon. Gentleman (Sir George Grey) totally misapprehended the subject. The supervision of that branch of the law which related to licences, was in the hands of justices of the peace, and the police had nothing whatever to do with it. They had an officer who was called the clerk to the divisional justices. The right hon. Gentleman was always anxious to set up the police and to put down the justices, and he now manifestly wished to carry out that principle. The police magistrates were in the hands of the police themselves, and were not their masters, but their servants. That was not a state of things to be encouraged, and he hoped the Metropolis would be put on an equal footing with the rest of the country.

SIR GEORGE GREY said, the hon. Member was quite wrong in his supposition. It was not a proper description to call them police magistrates. They were stipendiary magistrates, and exercised greater jurisdiction than ordinary justices, having the power to do that which was required to be done by two justices.

MR. HARDY said, it had always been thought desirable to keep the police magistrates apart from the licensing system. The licensing justices also were in the habit of going to look at houses for which licences were asked, and thus judging for themselves upon the question of licensing. This was a duty which the police magistrates would neither have time nor disposition to perform. He thought it was a sound principle that the police magistrates should not grant licences; and that the justices of the whole kingdom, including the Metropolis, should be upon the same footing in reference to this matter. The county justices licensed slaughter-houses and public-houses, and he thought that they should also grant the licences now in question. The magistrates of Middlesex were a body of independent gentlemen, and the fairness of their decisions had never been questioned.

MR. W. WILLIAMS said, that the Metropolis was divided into certain divisions, of which magistrates were appointed to take charge. These divisional magistrates had a clerk regularly appointed, and no doubt that was the proper person to whom those notices should be given, in common with the clerks of the ordinary magistrates.

MR. PULLER said, the discussion was not whether the power should be given to the police magistrates or the Commissioners of police, but to the county magistrates.

THE CHANCELLOR OF THE EXCHEQUER admitted, that on the whole a Commissioner of Police was not the fittest person to entrust with the granting of licences, and that they ought to combine the knowledge of the police with the responsibility of the magistrates. It was on that ground that he proposed that the notices should be given both to the Commissioners of Police and to Metropolitan police magistrates. The Middlesex magistrates had very little to do with the administration of justice, whereas the Metropolitan

police magistrates were constantly engaged in that work, and were also in constant communication with the police. The Metropolitan police magistrates, therefore, were better prepared than the Middlesex magistrates to exercise the duty of granting licences.

MR. JOHN LOCKE contended that the justices of Middlesex performed precisely the same duties as the justices of other counties, with the exception that they paid an assistant judge to preside in lieu of a chairman, and that in Surrey, which included Lambeth and Southwark, and in Kent there was not even that difference. He had a great objection to give judicial power to the Commissioners of Police, and he did not believe that hon. Members would be ready to extend it to the corresponding officer in counties—namely, the chief constable. He hoped hon. Gentlemen opposite would unite with him in his endeavour to prevent the Metropolis from being treated in a manner different from that in which the Chancellor of the Exchequer proposed to treat the rest of the country.

MR. VINCENT SCULLY said, that he thought the most important matter was that, as he read the Act, there was to be no power whatever of appeal from the judgment of one police magistrate, or two justices of the peace, delivered behind the backs of the parties interested. Such an arbitrary power should not be given. Provided an appeal were allowed, he thought it immaterial whether the power of licensing should be given to the commissioners of police, the police magistrates, or the justices. In Dublin the people were generally better satisfied with the decision of the stipendiary than of the ordinary magistrates.

THE CHANCELLOR OF THE EXCHEQUER said, he was anxious that the clause should be clearly understood. The Government had abandoned the intention of giving the commissioner of police power to prevent the issue of the licences. And the main reason for entrusting that authority to the Metropolitan magistrates was that it was agreed on all sides that upon the police dependence would have to be placed for knowledge of the parties applying. The Metropolitan police magistrates were in constant and habitual communication with the police; but that was not the case with the Middlesex magistrates, who only occasionally discharged the duties of visiting justices.

The Chancellor of the Exchequer

MR. HENLEY said, the Amendment of the Chancellor of the Exchequer provided that a man charged should be heard, but it did not provide that he should have notice of the charge preferred against him, or that he should be brought face to face with his accuser. That was a defect, and threw upon the magistrates a most onerous duty, which they ought not to be saddled with. Why were they to treat the magistrates of Middlesex differently to the magistrates in the other parts of the country? It was said that the reason was that they were not in communication with the police. Now, how were the police magistrates to communicate with the police? Were the police to go and whisper to the magistrates that they had seen a "social evil" enter a man's house, and therefore a licence should be refused. If that were the sort of thing, he did not care to whom the power of deciding was intrusted, because he, for one, should be very sorry to have anything to do with the matter; but if there was to be a regular hearing and a judicial decision, he thought that no sufficient reason had been assigned for withholding from the magistrates of the County of Middlesex the power which was to be given to those of the City of London, and of every other city, borough, and county in the kingdom. The Amendments both to this and the subsequent clause required further consideration.

MR. AYRTON said, that in order fairly to raise the question, he would move the insertion in the clause of words requiring a copy of the requisition for a licence to be forwarded to the "clerk of the justices of the special sessional division of the Metropolis within which such refreshment-house is situated."

THE CHANCELLOR OF THE EXCHEQUER suggested, as it was getting late (five minutes before twelve o'clock), and there was no chance of the Committee getting through this clause to-night, that it and the succeeding one should be postponed, and they should proceed with the consideration of the other sections of the Bill.

MR. LIDDELL said, he wished to call attention to the fact that this clause as it stood gave the magistrates no power to inquire into the character or antecedents of a person applying for a licence.

THE CHANCELLOR OF THE EXCHEQUER said, that that defect would be remedied by the Amendments of which he had given notice.

MR. HUNT moved that the Chairman be ordered to report progress.

Sir WILLIAM MILES said, he trusted that the hon. Gentleman would not persist in his Motion. If the two clauses were postponed, why should they not at that early hour (ten minutes to twelve o'clock) proceed with the Bill? Did the hon. Genleman wish to stop all the practical business of the House?

Mr. HUNT said, he had no desire to obstruct business. So many alterations had been made in Committee that he thought progress would be promoted by reporting progress and getting the Bill reprinted. He would, however, withdraw his Motion.

Motion by leave *withdrawn*.

The further consideration of Clauses 12 and 13 was then *postponed*.

Mr. EDWIN JAMES said, it was not desirable to proceed with other clauses till the question of the jurisdiction of the magistrate had been settled by the 12th and 13th clauses.

Sir WILLIAM MILES said, he hoped the Committee would proceed with the 14th clause. He had an objection to the last part of it. He moved the omission of the latter part of the clause, and to substitute for it "and a copy of such list and register shall be forwarded to the clerk of the Lord Mayor of the City of London, at the Mansion House of the said City, or to the chief clerk of the magistrate of the Metropolitan police-court, or to the clerk to the justices of the Court of Petty Sessions of the city, place, or county where such licence shall be granted, and where such house shall be situate, at Lady Day and Michaelmas in each succeeding year." Reference to the magistrate of the Metropolitan police-court must, however, stand over till the 12th clause had been settled.

Mr. AYRTON remarked that it had not been decided that the magistrates should have the jurisdiction referred to. The Amendment would, therefore, have to be postponed with the clause.

Lord LOVAINE observed that he saw no difficulty in the clause.

Mr. VINCENT SCULLY said, it was time the debate was adjourned. The hon. Baronet who was so indignant at the proposition had only come into the House about two hours ago. He protested against the hon. Baronet thus turning patriot at the expense of those Members who had been there all night without refreshment.

Sir WILLIAM MILES said, he was happy to say that he had had refreshment, but he had been present at the discussion of nearly all the clauses.

The CHANCELLOR of the EXCHEQUER said, this was a high compliment to the hon. Baronet, as it showed that as soon as he left the House he was missed. However, as they seemed to have got into a chatting humour, perhaps they had better report progress.

The House resumed.

Committee report progress; to sit again on *Monday* next.

FISHERIES (SCOTLAND) BILL.

CONSIDERATION.

Order for Consideration read.

Mr. CAIRD moved to introduce words into the 12th clause which would make its provisions applicable to owners of fisheries as well as to the public generally.

Amendment proposed, in Clause 12, line 10, after the word present to insert the words "or by this Act."

Mr. BAILLIE COCHRANE stated that the Bill, as drawn, was highly favourable to the operative classes, among whom, in large manufacturing towns, angling clubs were largely in process of formation. It was absurd, however, to suppose that any proprietor would put lime into his waters to destroy his own fish.

Question put, "That those words be there inserted.

The House *divided*:—Ayes 37; Noes 37; and the numbers being equal, Mr. Speaker stated, that, as the House was unable to form a judgment upon the propriety of the proposed Amendment, he should best perform his duty by leaving the Bill in the form in which the Committee had reported it to the House; and accordingly he declared himself with the Noes.

The House resumed.

Bill to be read 3° *To-morrow*.

House adjourned at a Quarter before One o'clock.

HOUSE OF LORDS,

Friday, May 11, 1860.

Minutes.] Public Bills. — 2ª Ecclesiastical Courts Jurisdiction.
3ª Pawnbrokers Act Amendment.

CENTRAL AMERICA.—QUESTION.

The Earl of MALMESBURY said, he wished to put a Question to his noble

Friend the Under Secretary for Foreign Affairs, of which he had given him private notice—namely, Whether his noble Friend had any objection to inform their Lordships in what state of progress the important negotiations with the Central States of America were at present? These negotiations were not of so much importance as regarded the relations between those States themselves and Great Britain as they were in respect of the settlement of the long-vexed question of the Clayton-Bulwer Treaty, which would probably be affected by them. These negotiations were commenced by the late Government and continued by the present. When the late Government went out of office there were three questions under consideration. First, the settlement of the boundary; secondly, the cession of the Mosquito Protectorate to Nicaragua; and, thirdly, the cession of the Bay Islands to the Honduras, on conditions which would ensure the safety of the subjects of Her Majesty resident in those islands. He should like to know the progress which the noble Lord the Secretary of State for Foreign Affairs had made in settling these questions—for he had seen in a newspaper a statement to the effect that the Bay Islands had been ceded to the Honduras. If that were so, and if the cession had taken place on the conditions first laid down by Lord Clarendon, and afterwards by himself (the Earl of Malmesbury), he thought it would be a subject of great congratulation; those conditions being a complete and entire recognition of the Clayton-Bulwer Treaty by the United States, and the entire security of Her Majesty's Government in those islands from any interference on the part of the United States or any other Power whatever. He should like to know whether the negotiations were in such a position as that the Government were able to produce the correspondence relating to them.

Lord WODEHOUSE said, that the questions which his noble Friend had asked related to matters of very great importance, not only as affecting our relations with the States of Central America, but also with respect to the Clayton-Bulwer Treaty. He would remind the noble Earl, as he had alluded to the negotiations under the late Government, that before that Government left office, the Clarendon-Dallas Treaty had fallen to the ground in consequence of a difficulty raised by the Secretary of the United States. Afterwards negotiations were resumed and Sir William Ouseley was sent out to Central America. In reply to another Question asked by his noble Friend he had to state that his noble Friend the Secretary for Foreign Affairs had continued the negotiations; and a Treaty had been concluded by which the Bay Islands were ceded to the Honduras. That treaty had been received in this country and ratified by Her Majesty. His noble Friend (the Earl of Malmesbury) had adverted to the conditions on which the negotiations for that cession had formerly been conducted, and which had been laid down by Lord Clarendon. These conditions had been considerably modified; but stipulations had been made which would, he thought, secure the safety of Her Majesty's subjects in the Bay Islands: and, moreover, a condition had been inserted that those islands should not be ceded by the Honduras to any other Power. The stipulations Treaty with Nicaragua had also been agreed upon, but, so far as Her Majesty's Government knew, it had not yet been ratified by the Congress of Nicaragua, nor had it been ratified by Her Majesty. When it should have been so ratified the ratifications would be exchanged; but until the entire matter was completed he could not produce the correspondence.

The Earl of MALMESBURY said, that the answer of his noble Friend was satisfactory so far as it went; but as regarded the Treaty for the Cession of the Bay Islands to the Honduras, everything must depend on the terms upon which the Cession had taken place. His noble Friend had not answered one of the questions which he had put to him. He wished to know whether the United States recognized completely, fully, and fairly the spirit of the Clayton-Bulwer Treaty?

Lord WODEHOUSE said, that the Clarendon-Dallas Treaty was at an end, and there was no other treaty between this country and the United States but the Clayton-Bulwer Treaty.

The Earl of MALMESBURY observed, that Her Majesty's late Government had declared to the Government of the United States that an indispensable condition of the cession of the Bay Islands to the Honduras, was the recognition by the United States, without further dispute, of the Clayton-Bulwer Treaty. If that condition had not been preserved, the object of the late Government had not been obtained.

RELIGIOUS LIBERTY (OTTOMAN EMPIRE).—PETITION.

LORD STRATFORD DE REDCLIFFE: The paper, my Lords, I now have with me is the Petition of which I gave notice several days ago. It was placed in my hands by persons of high respectability, animated by the best intentions, and having in view a most laudable object. On this account I readily undertook to present it to your Lordships. The gentlemen, with whose request I have thus complied, are the committee of an association formed in the general interest of Christianity, taken in its purest acceptation, with the hope of softening religious asperities and promoting the great ends of Christian benevolence. This Society is known by the name of the Evangelical Alliance. The immediate object of their petition is not so much to bring forward any special complaints as to draw your Lordships' attention to the state of Protestantism in some parts of the Sultan's dominions, and to obtain, with your Lordships' countenance, a more effectual security for those who have exposed themselves to danger by an open profession of its principles.

With your Lordships' permission, I propose to offer a brief statement of some leading circumstances, which relate to the growth and present condition of Protestantism in Turkey. The Protestants in that country may be divided into two principal classes—namely, those who are the subjects of Powers in amity with the Sultan, and those who owe allegiance to the Sultan himself. The former, with few exceptions, are natives of Germany, Sweden, Holland, Switzerland, and Her Majesty's dominions. They reside in Turkey under the acknowledged authority of their respective Sovereigns, represented in most cases by Ministers accredited to the Porte. They are protected by treaties actually in force, and they have no reason to fear molestation on account of their religious faith. The latter are natives of Turkey, subjects of the Porte, converted to Protestantism from other forms of worship, which have the misfortune to be tinctured with error either in whole or in part. It is for this class of Protestants that I have to solicit the attention and sympathy of the House.

If we look, in the first instance, to their origin and progress, we shall not greatly err if we assign a considerable share of both to the circulation of the Holy Scriptures. Some thirty or forty years have elapsed since the Bible Society, as it is popularly called, succeeded in first introducing into the Sultan's dominions those translations of the sacred volume which have since been diffused through many parts of Turkey, both in Europe and Asia. The light was not offered in vain, and many, no doubt, have found their way, by its aid, to the fountain-head of truth.

In proportion as knowledge was obtained, the superstitious errors and gross abuses which had crept into the established form of worship throughout the East, became apparent, to reflecting and conscientious minds. That smallest of seeds, which is capable of a mighty growth, began to take root and spread; nor has it ceased to work its way through all the obstacles opposed to it by an alarmed priesthood and a fanatic population. The persecution which often attended that progress served only to stimulate the zeal of the converts. Their cry of distress was heard in other countries, and missionaries, summoned by its appeal, hastened from distant lands to their relief. Whatever merit may be due to those devoted auxiliaries, the greater share of it belongs to the United States. Whether we look to the funds, which their religious societies have so liberally supplied, or to the agents by whom those funds have been administered, it is impossible not to recognize in the amount of the former and in the conduct and character of the latter, what is calculated to do the highest honour to our transatlantic descendants. Other nations, and our own in particular, have laboured in the same cause, but the American missionaries stand almost alone in the extent of their personal exertions and the results which they have obtained. In the union of zeal, perseverance, and discretion they are unrivalled.

Your Lordships may possibly listen with interest to some particulars illustrative of their success, and affording a summary view of the present condition of Protestantism in Turkey. I have found them in a printed report, bearing the date of 1859, and published under the sanction of a respectable society. It appears from this statement that 45 churches have been founded; that above 1,500 members are in full communion; that those who attend public worship on the Sabbath may be averaged at more than 4,000; and that the Protestant community, as legally enrolled, comprises from 6,000 to 7,000 souls. Sixty-three ordained American missionaries, 67 female missionaries, 74 native preachers, and 178 native assistants, la-

bour in the same field. Their stations and out-stations, scattered principally through Syria, Asia Minor, Armenia, and Bulgaria, amount to more than 100. The free schools attached to them exceed the number of 150, and 4,000 scholars, 900 of whom are females, avail themselves of the instruction they afford. In addition to these schools, there are seven higher seminaries, having 150 male and female students. The expenditure of the American Board for the collective missions amounted in the year to more than £28,000, and the aid from England to upwards of 2,300. Nearly 70,000 volumes and 20,000 tracts proceeded from the Protestant press at Constantinople in the same year.

It cannot be denied that, considering the shortness of the time, these facts are indications of no small zeal and of no small progress in that good work to which the missionaries have devoted their labours and their lives; but justice requires that, while assigning to them the praise which they have so fully earned, we should not withhold the expression of our gratitude from the Sultan, whose powerful authority has impressed a character of strength and permanency on the results of their exertion. If your Lordships will bear in mind the peculiar circumstances which surround a Turkish Sovereign, and limit the range of his ideas, you cannot fail to admire that soundness of judgment and generosity of feeling which has been so remarkably displayed by the reigning Sultan in all his dealings with the Christians. To him the Protestants, in particular, are indebted for the great Charter which recognizes them as a separate religious community, and gives them the enjoyment of privileges equal to those conceded in earlier times to the Greek, the Latin, the Armenian, and the Jew. From him they derive that free exercise of their religious creed, that security from molestation on the score of religion, which the Imperial Proclamation of 1856, the celebrated Hatti-Humayoun, has solemnly and permanently assured to every class of his subjects, without exception. I was myself a witness of the difficulties which His Majesty had to encounter in yielding to the entreaties of this country; and of all the incidents in my long diplomatic career, there is not one to which I look back with so much pleasure and surprise as to his gracious approval of that concession which, in carrying out the views of our Government, I had so long and so earnestly recommended.

Lord Stratford de Redcliffe

My Lords, I willingly believe that the Turkish ministers have fairly accepted their Sovereign's injunctions to give effect to the great principle of religious freedom. It can hardly, indeed, be otherwise, when we bear in mind that the Sultan's Proclamation was solemnly recorded in the same treaty of peace which guaranteed the independence and integrity of his dominions. But the Porte is not remarkable for the vigour and constancy of its proceedings. Though the Sultan's authority is irresistible, his Government has all the weakness which belongs to the individuals who compose it. The remains of religious prejudice with some, indifference or personal interest with others, impede the course of justice, and, but too often, produce those delays which amount to a denial of it. In the provinces, at more or less distance from Constantinople, seceders, whether from the Greek or the Latin Church, or from any other established form of worship, are exposed to insult and ill-treatment from the populace, and to acts of persecution emanating from ecclesiastical authority. Converts to Protestantism have less to apprehend from the Turkish Governor than from the Christian Bishop, except when the Pasha or the Cadi, acting under the influence of the Prelate, or swayed by some foreign Consul of kindred orthodoxy, neglects the instructions of his Government, and connives at illegalities which he ought to repress and punish. It may also happen, more particularly in the case of any conversion from Islamism, that the fear of local troubles—of a riot or a murder—may induce the magistrate to temporise at the expense of the convert, and deter even the Porte itself from redeeming its pledges in his favour with a prompt and determined hand.

My Lords, it is the more important on this very account that the influence of a Government like that of Great Britain, friendly to the Sultan, and sympathetic with the objects of his enlightened policy, should be steadily and vigorously exerted on behalf of the Protestants in Turkey. The natural tendencies to a lax application of that policy require to be counteracted by a vigilant impulsion of a friendly Power. Every act of persecution left without redress, every infringement of the Sultan's charter allowed to pass with impunity, must necessarily have the effect of encouraging persecution and deterring those, who are awake to the love of truth, from

avowing that purer doctrine which in their consciences they believe.

I do not, my Lords, intend to insinuate any reproach against Her Majesty's Government for remissness in this respect. I have no reason to suppose that the head of the Foreign Office, either under the present or under the late Administration, has shown any want of vigour in supporting the cause of religious freedom in Turkey. The difficulty of supporting it with equal effect at all times is, no doubt, considerable. Individuals who secede from long-established forms of worship and modes of faith are unavoidably exposed to the malice of those whom their new profession condemns, and their own inconsiderate zeal may possibly at times betray them into acts of provocation and offence. Your Lordships will, however, remember that, while it may be said of these Eastern converts to Protestantism that "suffering is the badge of their tribe," they are legally entitled to the full benefit of the Sultan's charter, and that it is the bounden duty of a Government which has placed them by solemn enactments on a level with other Churches, to enforce on all its subjects, and more particularly on its official agents, the execution of every measure required for their protection. The right and the obligation may both be admitted, nor, indeed, are they open to dispute; but it may still be asked, on what ground we can justly interfere on behalf of converts who are subject to the Sultan's laws, and resident in countries which acknowledge his rule. My Lords, it is not necessary for me to affirm that we have any express right by treaty to interfere on their behalf; but I appeal with confidence to the admitted practice of other Powers, to the solemn obligations incurred by the Sultan in presence of all Europe, and to the vast debt of gratitude which his whole empire has contracted towards this country, whose sympathies operate so powerfully in favour of Protestantism. In calling upon him to carry out his promises, we manifest the sincerity of our friendship and a becoming regard for his honour and authority; we encourage his perseverance in a course of enlightened humanity, which accords with his own interests; and, at the same time, we not only satisfy the requirements of a great moral duty, but strengthen the foundations a policy which virtually ministers to our own advantage, identified, as it is, with the general advantage of Europe.

Such being the case, my Lords, I lay this Petition on your Lordships' table without further explanation, and confidently hope that its value will not be determined in your Lordships' judgment by the weakness of its advocate, but rather by the intrinsic importance of the object to which its prayer is more immediately addressed. The terms of that prayer are:—"That your Right Honourable House will be pleased to sustain Her Majesty's Government in their efforts to cause Religious Liberty to be maintained, and the Protestant Churches to be really and fully protected in the exercise of their just rights, throughout the whole of the Ottoman Empire."

THE LORD CHANCELLOR said, he had at first thought that this Petition had emanated from certain subjects of the Sultan in reference to disputes between themselves and the Turkish Government, in which case it would have been a serious question whether their Lordships could receive the document. It now however appeared that it was a Petition from British subjects, praying that the good offices of Her Majesty's Government might be exercised in making representations to the Government of Turkey for the protection of Protestants generally in the Sultan's dominions: and that being so there would be no impropriety in entertaining it.

THE ARCHBISHOP OF CANTERBURY expressed his thanks to the noble Viscount for the great interest he had taken in this question of religious toleration in Turkey, and thought, whether they considered the interests of religion generally or the unexampled triumphs of which they had proof that Christianity had achieved in Turkey, the noble Viscount was entitled to the deep gratitude of every friend of religious liberty throughout the world. It was impossible not to sympathize with the noble Viscount in the high terms with which he had spoken of the liberality of the Sultan, or to over-estimate the labours of those Societies to which the noble Viscount had alluded. Notwithstanding the immense difficulties that existed in Turkey it was most gratifying to observe the progress which Christianity had made in the dominions of the Sultan. But the noble Viscount had omitted all mention of the most effectual means to which this progress must be attributed—namely, his own unceasing exertions in the cause, which have been crowned by a degree of success which could hardly have been otherwise attained.

LORD WODEHOUSE said, that although he had no reason to offer anything on be-

half of Her Majesty's Government with regard to the Petition just presented, because the noble Viscount had been kind enough to state—what was, indeed, perfectly just — that the Foreign Office had never been slack where its exertions could be usefully employed in aid of the Christian subjects of the Sultan, yet he could not refrain from making one or two remarks. Certainly no one was better qualified than the noble Viscount to bring this subject under their Lordships' consideration. Everbody who had paid the least attention to foreign affairs was well aware that during the whole time the noble Viscount represented this country at Constantinople his great influence was continuously and unsparingly used on behalf of all classes of Christians throughout the Turkish dominions. He might also add that everybody knew the exertions of the noble Viscount to that end had been happily attended with considerable success. The noble Viscount had paid a just tribute to the benevolent intentions of the present Sultan. Persons in this country could scarcely understand to what an extent the Sultan had to contend against the prejudices of his people in the measures he had recently taken. Those measures had announced complete religious liberty to Christians all over the Sultan's dominions—a proceeding that was regarded by many of the most highly-placed Turks as inconsistent with their creed and position. Under such circumstances to have proclaimed, and to some extent also carried out, those principles, reflected great honour upon the Sovereign of Turkey. But, unfortunately, in that country, more, perhaps, than any other, the measures that were formally announced were not always put fully into operation or completely carried out. The Christians might, indeed, have been placed almost on a footing of nominal equality with the rest of their fellow subjects; yet, undoubtedly, they were exposed to oppression in various parts of the Sultan's dominions. Some cases of persecution had been brought under the notice of Her Majesty's Government, and the complaints had been accordingly brought to the knowledge of the Ottoman Government. They had received satisfactory assurances that orders would be given by the Porte to its different governors in the Pachalics where these grievances had occurred; and he trusted that those orders would be carried into effect. Indeed they had every reason to believe that it would be so, since an officer of high rank had been appointed to see that they were carried into effect. But what was most deserving of remark was that these complaints were made in a very great number of cases, not against the Mussulmans, but against other Christian subjects of the Sultan. So great a jealousy existed among the different Christian Churches throughout the East that scenes constantly occurred which did very little credit to the Christian profession of those who took part in them. The most lamentable religious feuds had not only prevailed at Jerusalem, but at present there existed among the Greeks and Latins very great jealousy respecting conversions to Protestantism. In one instance a Greek priest, and also some Armenians who had embraced Protestantism, were persecuted to such a degree that even in spite of the assistance of the authorities they were obliged to leave their native part of the country altogether. Similar cases had occurred in other places. All this exemplified the great difficulties of a very peculiar kind which the Turkish Government had to encounter in enforcing the principles of religious liberty and toleration which they had announced, and which he believed they were honestly desirous of giving effect to. He could, however, assure his noble Friend that Her Majesty's Government, without wishing to interfere with the internal affairs of Turkey—because they ought to make some allowance for the difficult position of the Sultan, and not press hard on that Sovereign, except in cases of absolute necessity —were disposed to give such advice to his Government as they hoped might secure to Protestants as much safety and freedom as were extended to other Christian denominations throughout the East. Her Majesty's Government had been invariably assured of the good intentions of the Turkish Government in respect to the carrying out of internal refrrms, but beset as the Porte was by the frequent representations of all the States of Europe, it had the hardest conceivable task to carry out any efficient plans of reform. They ought to take care that in any course they took they did not trench on the independence of the Sultan, lest while endeavouring to improve the condition of his empire they should add to its weakness, and prevent by the measures they employed the realization of their best wishes for its prosperity.

Lord Wodehouse

LORD BROUGHAM hoped he should receive from his noble Friend some satisfactory information as to the steps which had been taken to put down, as far as we had authority to put down, but at all events to make our Consuls aid the Turkish Government in punishing, instead of interfering to protect, the British subjects guilty of those outrages which lately were committed so scandalously in one of the mosques in Egypt, in a spirit of mere wantonness. If these outrages had been committed in consequence of a perverted religious enthusiasm, that would have offered no sort of defence, but it would have been comparatively an extenuation of the offence. But according to the information he had on the subject, the outrage in question arose from the mere wantonness of English travellers in that country. He hoped and trusted, therefore, not only that our Consul did not interfere to protect the offenders from the law and the police of the country to which they had rendered themselves amenable, but that he had rather encouraged the authorities in executing the laws against them. Nothing could possibly tend more entirely to frustrate all the good that had been done by religious societies here, and by his noble Friend the noble Viscount when he filled that office, which he filled—and which by common consent he most ably filled—in the East, for the promotion of the Christian religion, and the propagation of the Gospel in those parts—nothing could tend more completely to render inoperative all that had been done, and to make progress, so to speak, retrograde, than such outrages committed, he was sorry and ashamed to say, by British subjects. The only course that should be taken in such cases was to instruct our Consul, not only not to interpose, which he was not likely to do, in favour of those who were guilty of these outrages, but show his zeal to bring them to justice, and encourage the Ottoman Government in executing their own laws against them.

LORD WODEHOUSE said, he entirely agreed with his noble and learned Friend that it was the duty of the British Consuls not merely not to give encouragement to those who were guilty of outrages so gross as that to which reference had been made, but that they should do all in their power to bring such persons to condign punishment. The circumstances of that most disgraceful proceeding — for it could be characterised by no other term—were perfectly well known; but, in justification of our Consul, he might state that he was entirely ignorant of the transaction until the parties were beyond the reach of justice; and he would say that the conduct of the Viceroy of Egypt and of the Egyptian authorities, did them the highest credit, and it was satisfactory to find that the progress of religious toleration in that country had rendered such an occurrence comparatively harmless. The individuals in question had interrupted in a most unseemly manner religious ceremonies which were proceeding in one of the principal mosques on a solemn occasion; but instead of tearing them to pieces on the spot, which would have been the case a few years ago, the people allowed the officers of police to quietly remove the offenders. Her Majesty's Government had taken measures to discover the perpetrators of this outrage, and they had given directions to the Consuls, that on the future occurrence of any such cases, they should take immediate measures to bring the offenders to justice.

LORD BROUGHAM hoped his noble Friend (Lord Wodehouse) would not be charged, in consequence of adopting such steps, with favouring the Mahomedan religion, as he himself and others had been charged with favouring the Popish religion because they objected in the East London case to decide a question of ecclesiastical discipline by the mob in the streets, which they had protested against, without saying one word as to which party was right or which was wrong.

LORD CRANWORTH thought, while pressing on the Porte the protection of our own countrymen, entertaining religious opinions totally at variance with those of the Sultan, it was extremely important his Government should understand that the blame imputed was not attributed so much to the Mahomedan as to the Christian subjects of His Majesty.

Petition to lie on the Table.

ECCLESIASTICAL COURTS JURISDICTION BILL.

Order of the Day for the Second Reading read.

LORD CRANWORTH, in moving the Second reading of the Bill, stated that it was founded on the Report of a Commission issued in the year 1832, when his noble and learned Friend opposite (Lord Brougham) occupied the woolsack. That

Commission recommended the abolition of the ecclesiastical jurisdiction on two subjects—defamation and brawling, and to render persons charged with those offences amenable to the common law courts; and his noble and learned Friend five years ago introduced a Bill to carry the recommendations of the Commission into effect, so far as regarded defamation. That Bill, however, was confined to England; it did not extend to Ireland; and one object of the present Bill was to extend the provisions of that very useful Act to the sister kingdom. With regard to brawling there was no very exact definition of that offence that satisfied his own mind. According to the 6th of Edward VI. it consisted in making a riotous disturbance in any church or churchyard; and the punishment to be inflicted for the first offence was, that the party guilty was to be prohibited *ingressu ecclesiæ*—a punishment, he feared, not very likely to deter those who were guilty of such an offence from its repetition—the punishment for the second offence was that the party guilty should lose one of his ears; but there might be those who had lost both ears, having been punished in this way more than once, and then they were to be branded in the face. This Bill, which had been introduced in the Commons and by them sent up to their Lordships, made the offence a civil one, and enabled the civil authorities to deal with it.

Moved, That the Bill be now read 2ª.

Lord BROUGHAM said, that the Bill to which his noble and learned Friend had alluded, was the production of his hon. and learned Friend, Dr. Phillimore, than whom no one could be better fitted to legislate on this subject, from great experience in the Ecclesiastical Courts, and who had most ably performed his duty by carrying the Bill through the other House of Parliament. His noble and learned Friend had done perfectly right in extending its provisions to Ireland.

The Bishop of EXETER said, he rose to oppose the Bill, and in the first place to complain that it had been introduced into the other House without the slightest explanation of its provisions or its grounds. He understood the noble and learned Lord (Lord Cranworth) to say that the object of the Bill was to carry out the recommendations of the Ecclesiastical Courts Commission of 1832; and it was true that that Commission recommended the extinction of the jurisdiction of the Ecclesiastical Courts over laymen; but he wished his noble and learned Friend had stated more fully and more satisfactorily the recommendation of the Commissioners. It might be inferred from the statement of the noble and learned Lord that the recommendation of the Commissioners was *simpliciter* to get rid of the jurisdiction over the laity on these subjects of the Ecclesiastical Courts; but his noble and learned Friend must forgive him for reminding him that this recommendation was accompanied with a condition that with respect to the laity there should be given, in lieu of the jurisdiction of the Ecclesiastical Court, an indictment by which a person found guilty was to be liable to imprisonment; and he thought it would have been more satisfactory if that recommendation or some equivalent had been adopted in the present Bill—they ought not to remove the present remedy without some substitute. But he must frankly say that it had been his misfortune never to be able to see the reason for the recommendation so far as concerned the laity. It ought not to be expected, and could not be expected, that the Church would forego her right and her duty to tell the laity what was their duty; and, although it was a very disagreeable thing, when they departed from that duty in any important particular, to visit them with the censure of that Church. He was not desirous that these censures should be backed by any temporal penalties. The censures of the Church were intended *pro salute animæ*—were intended to operate not on the body but on the soul. He did not coincide with the definition given by the noble Lord of "brawling." Violent and indecent behaviour did not constitute "brawling." Brawling was the interruption by words only of Divine service, and acts of irreverence in the course of the prayers of the Church. That was a very grave offence—it was a sin of a very high nature when wilfully and especially if premeditatedly done. The State at present gave the Church the power of pronouncing its own censure, which, in the first instance, was an admonition not to repeat the offence. If that was not effectual, and the party was contumacious, then they went on even to excommunication. It was true that that sentence of excommunication was followed up by an act of the temporal Legislature, which imposed grave punishment. He for one deeply regretted that any such punishment attended such excommunication—it weakened rather than

strengthened the Church's authority. The punishment was six months' imprisonment. They ought, indeed, to be glad that the Legislature in the time of George III. had introduced a change and an amelioration in the term of imprisonment as formerly carried out; and he could wish that the Legislature of Queen Victoria would go further and relieve the Church altogether from the scandal of being practically prevented, in the present state of society, from exercising its proper spiritual powers by having the temporal penalty of imprisonment appointed to enforce them. They did not wish to be assisted in their jurisdiction by any penalties imposed by the State; they wished only to tell sinners that they were sinners, and to exhort them to repentance; and if they refused to repent, then to tell them further that they cease to be members of the Church of Christ, and must not be permitted to join in the communion of the faithful. He was astonished that the Commission of 1832 should have gravely proposed to give up that jurisdiction, though he wished it were totally freed from all temporal penalties. He had said that the sentence had been actually inflicted by the Ecclesiastical Courts in one recent instance, and that it had had a beneficial effect; and he must remind their Lordships that the ecclesiastical jurisdiction which was to be removed if this Bill passed was the only means by which it had hitherto been found possible to reach any one of the offenders connected with the riots in St. George's-in-the-East. That offender was not of the lowest class. He was known and summoned, and proceedings having been taken in the Ecclesiastical Court, the sentence was that he should be admonished not to offend again, and should pay a sum *nomine expensarum* —the costs of the proceedings. This sentence was passed on the 17th April, and by a coincidence which it is difficult to believe merely accidental, on the 19th the present Bill, abolishing all such jurisdiction for the future, was laid on the table of the House of Commons, but with absolute silence as to any of its objects, and it had been now introduced into their Lordships' House without any statement of the provisions of the Bill, or of the reasons which had made it necessary. He doubted, indeed, whether the noble and learned Lord had even once read the Bill he now wished their Lordships to read a second time. When he considered that the existing law to which he had adverted was the only one that could reach these and similar riots in St. George's-in-the-East in a spirit of law, justice, and religion, it was monstrous to be now told that such a remedy was to be removed. He did not agree that the Church should be relieved of the duty of visiting sin with censure; and if the offender said, "I do not care for that," of telling him that he should no longer be allowed to be a member of the Church. They had no right to say that the Church should not proceed in her own courts to exercise purely spiritual jurisdiction. It had been stated that this Bill provided that the offender might be brought before the magistrate; but in truth there was no such provision.

Lord CRANWORTH: Before a justice of the peace.

The Bishop of EXETER: That statement made him the more confident that the noble and learned Lord had not read his Bill; and he wished that he would do them the kindness of looking at it. Such a provision was just what he wanted. The statute of Mary enabled any one to bring such an offender before a justice of the peace, having first apprehended him upon the spot; and why this statute had not been had recourse to in reference to the scandalous proceedings in St. George's-in-the-East it was not for him to say. To him this was utterly unintelligible, particularly as they had heard that the Government functionaries were desirous to use all their means to put an end to such proceedings. By the present Bill the offender might be "convicted before two justices of the peace;" but how could they proceed under such a clause against the persons who were committing these riots? for they were of such a class that it was not known who they were, and therefore they could not be summoned. There were hundreds—he believed thousands—of children who were employed every Sunday night, in all sorts of riot, and insult, and outrage. The summoning of such parties was a mockery. Some few persons, indeed, who were supposed to be known, had been summoned, and then it turned out that they were not known. Why had the statute to which he had referred not been brought into operation? and why had not the police been told that they had authority and power, and therefore the duty to apprehend those who were guilty of those disturbances of Divine service? This was distinctly the law of the land, but that law had not been once, as he believed,

called into action. They were told that nothing could be done, and certainly for ten months nothing had been done; the consequence was that atheism and riot was the normal condition of a large district of the Metropolis. Could this go on with impunity, and would not the principle be enlarged so as to extend beyond religion, to law, to justice, and possibly to Parliament itself? The tendency of such a state of things was to destroy all law; they ought to put down these riots, and they must do it unless they would have the law in this country become a mockery. But those who from their official position were bound to endeavour to suppress these disturbances had found it consistent with their duty to decline doing so. He thought that it was very unfortunate that there should be any attempt to frame new laws until the effect of the old ones had been fairly tried; and he lamented that the law of the Church had not been put in force in reference to ornaments placed in this church—a question with which he believed the law was perfectly able to deal. The clergyman was not bound to provide vestments—they were to be provided for him by the churchwardens. But the main thing which seemed to attach to this individual was the introducing of strange ornaments into the church; a cross was placed on the altar, and flowers and other things were introduced in various parts of the church. Whether these things were right or not he would not himself undertake to say, but the law of the Church was clear that the clergyman had no right to put the ornaments there. He spoke not lightly upon this subject, for he had not only had a legal opinion upon the matter, which fully justified his own, but he had written to that distinguished man the Judge of the Court of Arches, and therefore the highest appellate authority before whom the question could go, and that very learned person fully confirmed the view which he (the Bishop of Exeter) had taken. Some things were prescribed, and some things were used without prescription; but a clergyman had no right to introduce any new ornaments; the ornaments as he had said, were entirely under the control of the churchwardens, and that control carried with it a duty. There were special ornaments which it was the duty of the churchwardens to place in the church, and to see that they were used even on the Lord's table. It was not, however, for them to introduce any novelty—and much less had any one else the power to do it—without the authority of the Consistorial Court, given by means of a faculty. That faculty costs a sum of £7 or £10 to obtain it, and, therefore, the practice was where all parties agreed, such as in the having a curtain, or any other trifling matters, to dispense with a faculty; but when the peace and comfort and decency and religion itself, of a district were at stake, he must say that the persons who obtruded these things ought to be told that they were exceeding their legal powers. It was, indeed, very possible that when these things had been once placed in the church they could not be removed without a faculty, however illegal they may have been in the beginning; but upon that he gave no opinion, though, as to the right of the churchwardens to have charge of the ornaments in the first instance, he had, as he had said, the sanction of the highest authority. If the clergyman in question had been called to an account, and threatened with an ecclesiastical commission against him in the first instance—he was sure his right reverend Brother would forgive him for the suggestion—he would have been brought to his senses, and the country would have been spared a great deal of the scandal which had arisen. On the other hand he must repeat that he lamented deeply that nothing had been done to stop the parties who had been guilty of those riots. He would refrain from entering further into this painful subject, but he could not express in too strong terms his sense of the duty which existed of putting down these enormities of which all were so much ashamed. Under these circumstances he would move that the Bill be read a second time that day six months.

Amendment moved, to leave out ("now") and insert ("this day six months.")

THE BISHOP OF LONDON said, their Lordships would, perhaps, excuse him for making a few remarks upon this question. He had not been in the slightest degree aware that this Bill had any connection with those unfortunate outrages which had disgraced a portion of his diocese; whether there was or not the slightest connection between the introduction of this measure into the other House of Parliament and those outrages he was not prepared to say. He thought, however, that it would have been well if the heads of the Church had been made

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aware that this Bill was passing through the other House of Parliament, as they would then have had time to examine it. He, and he believed his right rev. Brethren, had not seen the Bill until that day, and therefore he had no doubt that the noble and learned Lord would have no objection to let several matters in the Bill stand over for consideration until they went into Committee. What his right rev. Brother (the Bishop of Exeter) had said in reference to the Ecclesiastical Courts generally was so important that it could not be discussed without consideration. He hoped that he should be allowed to say a few words in reference to those unfortunate circumstances which had been referred to. He thanked his right rev. Brother for having pointed out the real state of the law on the matter, and he would only say that the words which his right rev. Brother had used were well worthy of attention, and from his known knowledge of the law and his experience in carrying it out, he hoped that those words would have the desired effect with those whom they wished to bring under obedience to the law. His right rev. Brother had pointed out that no change could be made in the arrangements of the church except with the sanction of the Ordinary. In times of peace, however, the Ordinary was generally willing to allow innocent changes to take place; and no doubt in many churches of this Metropolis, no evil being anticipated, during the time of his revered predecessor, many such changes were allowed. For his own part he did not think it would have been becoming in him to introduce a new state of things at once, and to insist that every one of the clergy of his diocese should return to the exact arrangement in their churches which existed at the time of consecration unless it could be proved that every alteration had been made by virtue of a faculty. Among other churches in which alterations had been made was this unfortunate church of St. George's-in-the-East, and until it became absolutely necessary to regard it as an exceptional case he was willing that this church should be treated like any other of the diocese, and that the changes should be allowed to continue. But when he perceived that there was a disposition to carry these changes further, then, as his right rev. Brother had pointed out, it was his duty, and he did, in fact, send his officer to inspect the church and report to him as to certain changes which had taken place within the week preceding his visit; and finding that these changes had been made without the authority of any faculty, he gave orders, under his hand and seal, that those things that had been put up should be summarily removed by the proper officers. That order was carried into effect. Unfortunately, the execution of the law in the Ecclesiastical Courts was a slow process. His right rev. Brother had pointed out that his duty was to take some proceedings as regarded what occurred on last Easter Sunday, when certain flowers and other decorations were placed upon the Communion table. He was glad to tell his right rev. Brother that he had taken such proceedings. Owing, however, to the ecclesiastical law being so slow, an offence might be committed in August, and every one might be aware of it by reports in the public newspapers, and it might even undergo investigation in other courts of justice; yet, though no effort might be omitted and the proceedings carried on with all possible rapidity and with no inconsiderable expense to bring the offenders to justice, August might be succeeded by Christmas, Christmas by May, and May might be verging into June, without the public being in possession of the fact that any proceedings whatever had been instituted. Now, he could illustrate this by stating what had taken place in reference to St. Georges-in-the-East in the Ecclesiastical Court. Proceedings had been taken against a person, who, he believed, was one of the first of the offenders in point of time; the offence was committed not later than September; and yet it was not until very recently that this case had been adjudicated. But slow as these Courts were, slow as venerable, he had no doubt that when their vengeance did come down on a victim, it was a matter not to be trifled with. People were in the habit of thinking that these Courts might be trifled with, but the most hardened offender would not feel indifferent when he came to pay his lawyer's bill. As to their spiritual power, all right-minded men would be ashamed to be put in the position of not being allowed to enter their church: but the enormous expenses were perhaps more regarded in this day, the costs of the lawyers, the pecuniary penalties which might be imposed *nomine expensarum*, and the imprisonment which would follow unless the fine were paid, constituted a very heavy punishment. On the contrary the 40*s*. penalty imposed by this Bill would be

nothing to a rich man in case he were foolish and weak enough to take part in these disturbances, and he thought it absolutely necessary to consider in Committee whether the proposed penalty was sufficiently severe. One other matter to which his right rev. Brother had called attention was of the deepest importance, namely, that this Bill, professing to embody the recommendations of the Report of the Commissioners omitted this most important point, that it should apply only to lay persons; and he thought that it would therefore be necessary to insert the words, "any person not being a clerk in holy orders." Brawling embraced a variety of offences, and it often happened that the only mode of bringing a clergyman to justice was to charge him with the offence of brawling; and in some instances of brawling the sentence might be a suspension for three years. It therefore followed that it would be ridiculous that for such an offence a clergyman should be brought before a magistrate, instead of before an Ecclesiastical Court, and that he should be fined 40*s.*, instead of being suspended for three years; in addition to inserting the words he had mentioned, in reference to clergymen, he thought it would also be necessary to consider whether the penalty proposed was sufficiently severe as regarded laymen.

Lord CRANWORTH said, the last thing he could have apprehended was that the Bill would be charged with giving rise to the riotous and disgraceful proceedings in St. George's-in-the-East; he could likewise assure his right rev. Friends that the measure had not been framed with any intention of screening the low rabble who were guilty of such misconduct. He had been informed that the Bill was, in fact, framed at the end of last Session, but that it was too late then to introduce it. He might further add that his hon. Friend who had brought the Bill forward in the other House had communicated with leading men on both sides of the House, who expressed their entire approbation; and therefore, though his hon. Friend stated fairly and candidly what the Bill was, as there was no opposition it did not lie in his power to create a discussion. Whether the penalty proposed by the Bill was or was not sufficient was not a matter affecting the principle of the Bill; that was a detail to be discussed and settled in Committee. The principle of the Bill raised this question, whether the Ecclesiastical Courts, possessed as they were in some cases, and frightfully powerful in others, by punishing persons incidentally by enormous costs — whether the Ecclesiastical Courts maintained a satisfactory jurisdiction and mode of operation; or whether a more simple course was not desirable of dealing with what was really a civil offence before civil tribunals. The right rev. Prelate who had moved that the second reading of the Bill be deferred for six months could not feel more strongly than himself the necessity of preventing offences caused by the introduction of practices at variance with the ancient usages of the Church; and he remembered being associated with the right rev. Prelate on a memorable occasion, and going with him in opinion as to what were the *ornamenta*— he used the Latin word, because it expressed not merely "ornaments," but "furniture"—what were the *ornamenta* of the church—and they were agreed that no *ornamenta* were allowable, or at all events advisable, but those which were sanctioned by Act of Parliament or the canons. What he now asked of their Lordships was that they should give the Bill a second reading; and he would, in that case, engage not to move the Committee till Tuesday week, in order to give the right rev. Prelates a full opportunity of considering the measure, and he would be ready to listen to any suggestion from them with the most respectful attention.

The Bishop of EXETER said, that after the explanation of the noble and learned Lord, he would withdraw his Amendment.

Lord EBURY remarked that if, as had been observed, the Ecclesiastical Courts were slow in their operation there was one thing that was much slower, and that was the amendment of the law. This matter had been under discussion in Parliament as long as he could remember. The riots had been carried on in St. George's-in-the-East a long time, and no remedy had been applied. In presenting some petitions on the subject a short time ago, he suggested that the law should be looked into, and he hoped that means would be discovered for removing the scandal which was now doing immeasurable injury to the Church.

The LORD CHANCELLOR said, that as it seemed to be understood that the Bill was to be read a second time he refrained from saying a single word on its merits; but he could not refrain from directing attention to the state of the administration of the ecclesiastical law. According to the

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law, as it stood at present, it was a great hardship that the whole costs of a prosecution, instituted by a Bishop for the good of the Church, should fall upon the Prelate, who acted in the matter only in obedience to the law.

Amendment (by leave of the House) *withdrawn*. Original Motion *agreed to*.

Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Tuesday*, the 22*nd inst*.

House adjourned at a Quarter past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS.

Friday, May 11, 1860.

MINUTES.] PUBLIC BILLS.—1° Municipal Corporations (Ireland) Act Amendment.
3° Fisheries (Scotland).

THE INDIGO DISTURBANCES, BENGAL.

QUESTION.

MR. KINNAIRD said, he wished to ask the Secretary of State for India, Whether any and what steps had been taken by the Government of India for bringing the subject of the repeal of the Regulation XIX. of 1810 of the Bengal Code, and the Regulation VII. of 1817 of the Madras Code, under the consideration of the Legislative Council of India as directed by the Despatch of Lord Stanley, dated the 24th day of February, 1859? He also wished to know whether there would be any objection to the production of the Correspondence which has taken place between the Cultivators of Indigo and the Government in relation to the recent disturbances in Bengal?

SIR CHARLES WOOD, in reply to the first question of the hon. Member said, he observed that Notice of the Motion had been given for the production of the papers relating to the subject of the repeal of the XIX. Regulation of the Bengal Code, to which he had no objection, and they would give all the information on the subject.

In answer to the last question, he could only say he should have no objection to produce the Correspondence if he were in possession of it, but at present only a portion had reached him.

THE MADRAS IRRIGATION COMPANY.

QUESTION.

MR. SMOLLETT said, he would beg to ask the Secretary of State for India, with reference to a Letter from the India Office addressed to the Manchester Cotton Association, and dated the 16th day of April, 1860, stating that the proposals of the Madras Irrigation and Canal Company for constructing works of irrigation, drainage, and navigation in the Province of Orissa are under the serious consideration of Her Majesty's Government, Whether such serious consideration applies to that portion of the scheme which involves the guarantee of a *minimum* dividend to the Shareholders of this Company upon the whole or any portion of their Stock?

SIR CHARLES WOOD said, "the serious consideration of Her Majesty's Government" did not apply to that portion of the scheme which involved a guarantee of a *minimum* dividend. The Government were not prepared to give that guarantee.

FORGERY OF TRADE MARKS.

QUESTION.

MR. BASS said, he would beg to ask the President of the Board of Trade, Whether, as no Clause in reference to the Forgery of Trade Marks has been introduced in the Bill for Consolidating and Amending the Law of Forgery, he will at the earliest opportunity, introduce the Measure he has prepared on that question?

MR. MILNER GIBSON said, a measure upon the subject would be introduced shortly, or at least as speedily as the state of public business would permit.

LUNATICS IN SCOTLAND.

QUESTION.

MR. E. ELLICE (St. Andrews) said, he rose to ask the Lord-Advocate, Whether he intends at an early period to propose a Bill for establishing greater uniformity in the interpretation of the Law of Scotland as regards the definition of Lunacy; for removing doubts as to the obligation of Counties to provide accommodation for Lunatics; and for giving to the Commissioners in Lunacy extended powers with regard to the custody of Pauper Lunatics?

THE LORD-ADVOCATE said, it was his intention to introduce a Bill to remedy some of the defects which were found to exist in former Lunacy Acts, and he hoped soon to lay it on the Table of the House.

MR. G. W. HOPE said, he rose to say a few words of explanation with reference to a statement he had made when moving for the production of the Civil Service Ex-

amination Papers a few nights previously. On that occasion he had said that in the case of the particular candidate of whose rejection he complained, there had been but one single mistake in his spelling. He had since been informed that there was more than one mistake. He had also stated that he was unacquainted with the names of the Commissioners. He had now ascertained that two of them were Sir Edward Ryan and Sir John Lefevre, and he might say that if there were any gentlemen whom he would entrust with the duties of such a position with confidence, those were the two he would select.

COURSE OF PUBLIC BUSINESS.

QUESTION.

MR. DISRAELI said, he wished to ask what course the Government intend to pursue with respect to the Orders on the Paper?

THE CHANCELLOR OF THE EXCHEQUER said, he had already announced that it was proposed to proceed with the Wine Licences Bill on Monday, and should that not occupy the whole of the evening—he would proceed with Sir John Barnard's Act Repeal Bill.

On the Motion for the Adjournment of the House till Monday,

CAPTAIN GRANT'S MILITARY COOKING INVENTIONS.—OBSERVATIONS.

COLONEL LINDSAY said, he rose to draw the attention of the House to the system of cooking in the army invented by Captain Grant, and to ask the Secretary of State for War, if he intends to recommend that some remuneration shall be given to Captain Grant for the great services he has rendered in improving and economising the system. The hon. and gallant Gentleman observed that before those improvements were introduced the only means employed for cooking soldiers' dinners were boilers, and if the men desired to have their food baked they had to take it to an oven in the town where they happened to be, and to pay for it out of their own pockets. A Board, presided over by Colonel Franklin at Woolwich, in 1856, by whom the subject was investigated, had borne conclusive testimony to the immense saving in fuel from the use of Captain Grant's apparatus; and a subsequent inquiry, conducted by Lieutenant-Colonel Travers, R.A., had also established its value in that respect. There was at present no allowance of fuel for cooking in barracks; but the winter allowance of fuel per week was 346lbs. and the summer 188lbs. per mess; of which it was the custom to devote one-third to cooking. The expense of cooking at the present moment varied from ½*d.* per man per week to 5*d.* per man per week. But this last was an excessive charge. It occurred at St. George's Barracks, and was caused by the apparatus of cooking by gas, which for military reasons ought to be discontinued. The system which only cost a halfpenny per day per man was that of Captain Grant. The Army Sanitary Commission, of which the right hon. Gentleman the present Secretary for War was president, entered very minutely into this question, and while it stated that there were then no means for cooking the soldiers' rations but by boiling, recommended that the means should be furnished the soldiers of having their rations cooked by baking, stewing, and frying. Now, these facilities had been afforded them by the apparatus of Captain Grant. The attention of that officer was first directed to this subject, in consequence of the dreadful reports that were received from the army in the Crimea during the Russian war. Being permitted to make experiments at Aldershot, he fitted up a kitchen there for 1,000 men. His plan was so successful that he was allowed to extend his apparatus to the whole of that encampment, and at this moment it was in use throughout the whole of the encampment. It had also been adopted at Woolwich, Shorncliffe, the Curragh, and Canterbury. It had been in full operation for 60,000 men, and the cost had been at the rate of ½d. per man per week. The amount of fuel consumed by it was 5lb. per man per week, while under the old system the consumption was no less than 3 7-8lb. per man per day. The saving effected to the country by Captain Grant's apparatus on 1,000 men was, in round numbers, no less than £300 a year, and to the 1,000 men £275 a year, making £575. Captain Grant in his apparatus had simply adopted the principle of four flues, radiating towards a common centre, and communicating with a chimney; and the greater the draught produced in that chimney the greater the heat. The apparatus had also been applied to field cooking, with great success. Captain Grant had likewise invented a system of

cooking on the march, which had been extensively tried at Woolwich, and pronounced successful; and the Government had sent the apparatus out to China on a scale calculated for 5,000 men. General Peel, when Secretary of State for War, had spoken of the services rendered by Captain Grant in terms of unqualified praise. In December, 1859, Captain Grant, feeling that he had rendered great service to the army, and was entitled to some consideration from the Government, brought his case under the notice of the present Secretary of State for War, by letter, in which he stated he had been engaged five years in perfecting and practically applying the apparatus, and expressed a hope—not that any Vote should be taken expressly in the Estimates—but that a remuneration to the amount of twelve weeks' saving on two-thirds of the military force might be awarded to him. Seven months afterwards he received an answer to the effect that the cooking waggons were still under experiment, and that his applications for remuneration could not be entertained. He (Colonel Lindsay) thought it was hardly considerate to send so brief a letter to Captain Grant, in which the services he had so recently performed were not even acknowledged. Captain Grant had received applications from the Russian Government to furnish them with a kitchen for 1,000 men, and similar applications from other Governments. An application had also been made from the Indian Army to have it introduced into that service. He (Colonel Lindsay) felt, under the circumstances he had stated, that Captain Grant had been a benefactor both to the public service and to the soldier, and he begged to ask the Secretary of State for War if he intended to recommend that some remuneration should be given to him for the services he had rendered.

GENERAL BUCKLEY craved the permission of the House to say a few words on this subject. He had the pleasure of knowing Captain Grant, and he could state that no remuneration whatever had been given him by the Government from first to last for all his services in the army, though his apparatus had now been in use for nearly five years; which alone showed that it had received the approbation of the authorities. He hoped, therefore, that the right hon. Secretary for War, who had already done so much for the good of the army, would take this matter into consideration, and he was quite willing to leave it in his hands.

MR. CAVE said, if he also might be allowed to interpose for a moment between the question and answer he would gladly add his testimony to the great practical utility of Captain Grant's invention. He had had an opportunity of seeing it in operation in the North West London Reformatory, of which Captain Grant had long been an active supporter. So simple was the apparatus that the half-taught boys, with the assistance of an ordinary smith, were able to construct it; and so great the economy, that in the article of bread alone, the saving for an establishment of a little over 100 amounted, as compared with the price previously paid to the baker, to 30*s.* a week, and the saving in fuel, comparing it with an ordinary range of equal capacity, was upwards of twenty-five tons of coals a year. It was quite proper that a charitable institution should avail itself of Captain Grant's gratuitous services; but it was neither creditable, nor, he might say, politic that a country like England should accept such services without acknowledgment. He thought the principle which seemed to regulate proceedings in such cases a somewhat extraordinary one. If a man invented a method of blowing a whole regiment to atoms, he was amply rewarded, and covered with distinction; but if he merely contrived a means of keeping them alive, he was not thought entitled to distinction or reward by the Government of the country.

HARBOURS OF REFUGE.—QUESTION.

MR. LINDSAY asked the President of the Board of Trade when Her Majesty's Government intend to introduce measures to carry into effect the recommendations of the Harbours of Refuge Commission? He would trouble the House with only a few words in explanation. Three years ago the question of shipwrecks absorbed considerable attention, and it was proved that on an average, a million and a half of property and 780 lives were annually sacrificed by shipwreck. Last year, indeed, the loss of property and life greatly exceeded the losses of any former years, as many as 1545 lives having been lost. This annual sacrifice of property and life had at length startled Parliament, and in 1858 a Committee was appointed to see if any remedy could be devised. In the following Session the Committee was reappoint-

ed, and they came to the unanimous conclusion that it was necessary to establish harbours of refuge all along the coast, and they further recommended that a Royal Commission should be appointed to determine on the sites of those harbours. He had the honour to be appointed one of the Royal Commissioners. He only accepted the office on the understanding that the Government would do all in their power to carry out the recommendations of the Commissioners; and it was due to the right hon. Baronet opposite (Sir John Pakington) to say that he had shown the greatest anxiety and interest on this subject, and that he had omitted no opportunity to press on the House the recommendations of the Committee and Commission. The Commissioners recommended the erection of certain harbours on the coast of England, Scotland, and Ireland, and the sum of money which they estimated would be necessary for the purpose was £2,360,000. That might appear a large sum; but both the House knew when they appointed a Committee, and the Government when they appointed the Commission, that the harbours could not be erected for a smaller sum than that which he had named. He feared, however, that his question would now be met with the answer that that they had no funds. It was known from the beginning that those funds would be wanted; and if there was no intention to carry out the recommendations of the Commissioners, then it was a waste of the public money and of their own time to appoint them. The Commissioners recommended that the expense should be extended over a period of ten years, and that a vote of £250,000 should be taken for the purpose annually. Considering the importance of the object in view they thought this was not a large sum for the House to vote; and even in the present state of the finances—though he must say those finances had got into a state which even to him, who had generally supported the Government, was really alarming—and the expenses of the country were growing at such a rate as to be still more alarming—still he thought the Chancellor of the Exchequer might be able to spare £250,000 for the important object of saving life, and the large amount of property annually sacrificed. If that could not be done then he hoped facilities would be afforded for the local authorities to raise the money by loan. It was not probable that such a system would result in loss to the country. He found that from 1817 to 1850 the advances of the Exchequer Loan Commissioners to public works had resulted in a gain to the Government of £1,400,000, being the difference between the interest at which the money was borrowed and the interest at which it was lent. He hoped, therefore, he should receive a satisfactory answer to this question from the Government.

Mr. Lindsay

MEDICAL OFFICERS OF THE NAVY.

SIR EDWARD GROGAN wished to ask the Secretary to the Admiralty "what steps have been taken since the 24th of February last to carry into effect the provisions of the late Naval Warrant as regards Medical Officers in the Navy?" The pay had been conceded, but for some reason the other and more important advantages of the warrant had been withheld. The question of allotting cabins to the assistant-surgeons had also not received from the Admiralty the attention it deserved.

MORTAR VESSELS AND GUNBOATS.

QUESTION.

MR. W. EWART said, he wished to ask the Secretary to the Admiralty what are the measures adopted for subjecting to a strict system of inspection while they are being built, Gunboats and other Vessels, built on contract by the Government? The subject, he said, was one of great interest to this country, as it was believed that those gunboats, from their light draught of water, were admirably fitted for the defence of our coast. He wished to know what sort of inspection had been exercised over the construction of those gunboats that were now said to be defective. He had occasion to see a vessel built for the Russian Government, and which was inspected by a Russian officer, and he found on inquiry that so vigilant was the inspection that not a screw could be driven into the vessel without the officer being present.

SIR JOHN PAKINGTON said, he rose for the purpose of asking the Secretary to the Admiralty what is the real extent of injury by decay which has been discovered in Her Majesty's Mortar Vessels and Gunboats; whether it is true that improper workmanship and fastenings have also been discovered; and what steps the Board of Admiralty have taken, or intend to take, in consequence of the present state of those vessels? But before he put those Questions he should express a hope that the right hon. Gentleman the President of the Board of

Trade would give a satisfactory answer to the appeal which had been addressed to him by the hon. Member for Sunderland on the subject of the construction of harbours of refuge. He coincided in every word that had fallen from his hon. Friend with respect to the immense importance, for the protection of life and property, of establishing better harbours of refuge than those which we at present possessed along our coast; and he trusted that no considerations of economy would deter Her Majesty's Government from carrying out the recommendations of the Royal Commissioners in that matter. He should also say that he hoped his noble Friend the Secretary to the Admiralty would be able to offer to the House a satisfactory explanation as to the intention of the Admiralty to carry out the warrant relative to the medical officers of the navy. He had upon a former occasion mentioned that a statement had reached him to the effect that an assistant surgeon had been unable to obtain a cabin on board the *Queen*, although there were four cabins vacant, one of which had been given to the band master, and the rest appropriated to stores and other purposes comparatively unimportant. His noble Friend had told him that there was no truth in that statement; but he (Sir John Pakington) had still some reason to doubt whether his noble Friend himself might not have been misinformed upon that subject. He would next proceed to put to his noble Friend the Questions of which he had given notice with respect to the state of our gunboats and mortar vessels. For several weeks past, and almost every day, the public journals had been full of statements with regard to the decay of those vessels; and not only that, but very serious allegations had been repeatedly made with respect to the conduct of the contractors who had undertaken the building of that portion of our naval force. Considering the publicity that had been given to the matter, he hoped his noble Friend would consider that the best course for him to take in that matter would be to tell the truth. He did not, of course, mean to imply any doubt of the veracity of his noble Friend, but he trusted that his noble Friend would candidly lay before the House the whole of the facts with regard to the state of those vessels, and that he would, at the same time, inform them whether there was any fair ground for casting these serious imputations on the contractors. His (Sir John Pakington's) attention was called to the state of those gunboats in the year 1858; and he, in consequence, felt it his duty to subject to an inspection the boats hauled up on the slips at Haslar. It was then found that a certain amount of the elm planking had decayed; but the decay did not appear to extend any further. The Admiralty gave orders to have the defects made good, and we had every reason to suppose that these vessels had been placed in a sound condition. But they were now told that instead of a few decayed elm planks the whole framework of those vessels was rotten; and within the last few days it had been stated in the newspapers that four of Her Majesty's mortar vessels had been recently examined and found so thoroughly rotten that the Admiralty had no choice but to break them up. That was not, however, the worst part of the case. They were informed, through the same channels, that the workmanship of those vessels was very defective; and he was sorry to have to add that there were charges of what must be called dishonest work—charges to the effect that the bolting of the vessels had been such that they could not go to sea with safety. These were most serious statements, and the time had come when they ought to know what were the real facts of the case. He had not, as far as he was at present informed, the slightest intention of imputing any blame to the Board of Admiralty of the period when the vessels were built; nor, indeed, had he any information which would justify him in imputing any serious blame to the contractors. Great allowance must be made for the haste with which those vessels were necessarily constructed. The contracts were taken up by houses of undoubted reputation, and there appeared to have been no suscipion at the time that they had not been faithfully carried out. But the statement which had recently been made deeply affected the public service, and had an important bearing upon the question how far they could resort to the contract system in the building of ships for the Royal Navy without endangering the public interests. Under these circumstances it was only fair to the contractors that the whole truth should be made known. He begged, therefore, to ask the Secretary to the Admiralty what is the real extent of injury by decay which has been discovered in Her Majesty's mortar vessels and gunboats; whether it is true that improper workmanship and fastenings have also been discovered; and what steps the Board of

Admiralty have taken, or intend to take, in consequence of the present state of those vessels?

MR. BERNAL OSBORNE: Before the noble Lord answers the Questions, it will be only fair if he would state whether it is true that any officers connected with the Royal Dockyards from time to time visited, superintended, and gave their opinion as to the efficiency of these vessels.

LORD CLARENCE PAGET: Sir, I need scarcely say that I will follow the advice of my right hon. Friend opposite, and state the truth, the whole truth, and nothing but the truth, with regard to these gunboats, as far as it is known to us at the Admiralty. The first duty I have to discharge upon this occasion is to allay the anxiety which has been created by the apprehension that the whole of the gunboats and mortar-boats now in the Royal Navy are rotten and unfit for sea. Up to the present time we have evidence that a certain number have been more or less decayed, and measures either have been taken or are being taken for their repair. I will state the number of those which have been repaired; but I am not at present able to give the House a correct Estimate of the cost of the repairs, because the accounts have not yet been sent in. The noble Lord the Member for Cockermouth (Lord Naas) has, however, moved for a Return which will show the expense of building each of these contract gunboats, and the expense of repairing them, which will give a fair idea of the decay that has taken place in them. It must be remembered that when shipbuilders were invited to enter into contracts for the construction of those gunboats and mortar-vessels the country was very anxious that they should be ready for the campaign which was to open in the ensuing spring; and it is only fair to the contractors that I should state that some of them candidly and distinctly informed the Admiralty that they had no seasoned timber on hand, and that no seasoned timber could then be procured. I have myself seen a letter addressed to one of them, in which the Admiralty, after they had learnt from him that he had no seasoned timber, desired him to go on building with that which he had. So that, as regards the timber, I am bound to observe that, under the peculiar circumstances of the case, there is a great deal to be said on behalf of the contractors. But when we come to the question of short bolts, I must say that that is a fraud of a most abominable nature, inasmuch as it is manifest that a vessel fastened in that manner going to sea and meeting with bad weather might go to the bottom with all her crew. The House will easily understand, therefore, that the Admiralty make a great distinction between those two defects, of unseasoned timber and short bolts; and I have to state that we are now taking legal advice for the purpose of ascertaining whether it would be desirable that we should take further proceedings in respect to this case of defective bolting. I will now proceed to inform the House what is the number of boats that have been repaired, and what is their present state. Besides a great number of those boats which are now on foreign service we have in the yards twenty-three that were found in a partial state of decay, and that have since been completely repaired, and are now perfectly efficient; and we have now six boats in hand. There remain to be examined sixteen of those hauled up on Haslar slip; the condition of which has not been ascertained. There are forty in the steam reserve. We have no reason to suppose that those forty which are afloat show any serious signs of decay; but I cannot positively state to the House whether or not they will require repairs. I do not think that is a matter which need alarm the public any more than the condition of the sixteen which have not yet been examined on the Haslar slip, but which may be found defective. With regard, however, to those that are afloat, I am rather more hopeful that they will not require such extensive repairs as some persons seem to suppose. With regard to the mortar-vessels, undoubtedly those which have been examined have been found extremely defective. The right hon. Baronet is quite correct in stating that two of those at Chatham have been broken up, in consequence of their timber and planks having been found one mass of decay. But with regard to two others which I find it stated in the newspapers to-day are in a similar condition, we have not yet received any report at the Admiralty. I should state also that some of the boats built in the Government yards have been found defective and that eleven of them also have had to undergo considerable repairs. I now wish to say a few words with respect to the question of inspection. Undoubtedly it is advisable that there should be a very careful inspection by Admiralty offi-

cers of all vessels that are being built by contract, and as a general rule the Admiralty always appoint a superior officer, who acts as an inspector in every yard where those vessels are being constructed. One officer, however, does the duty of inspector in a yard where several vessels are built, and hence it is that it is desirable on the score of economy that we should have as many vessels as possible constructed in one yard. We have at this moment twenty-four vessels being built by contract and we have seventeen inspectors attached to the yards in which the works are carried on; but as there are two or more vessels being constructed in some of the yards there is none of them without a Government inspector. This question of inspection, however, is one involved in some difficulty. Private shipbuilders are usually only invited at some period of public emergency to contract for the supply of vessels for the Royal Navy, and at such a time we are at full work in the Royal dockyards, where men are employed during extra hours and on task jobs; and it then becomes a matter of great importance that in the dockyards themselves the most vigilant superintendence should be exercised by the inspectors. The consequence is that it is more than usually difficult at such times to find inspectors for overlooking the work done in private establishments. We are at this moment, however, most careful that an efficient system of supervision should take place with regard to all vessels being built by contract; and we have a variety of checks against abuses in that matter. We have not only an inspector in each yard, but we send down officers periodically to examine and to report how the work is being performed; and the vessels afterwards undergo a survey when they are delivered up to the Admiralty; and this they have to go through before the contractors receive the certificate that entitles them to payment. We thus take every possible precaution against bad workmanship and bad material. While I am upon this subject I will appeal to my hon. and gallant Friend the Member for Chatham (Sir F. Smith) whether he does not think that the Admiralty have shown great anxiety to arrive at the truth in those cases in which we had any reason to suspect that fraud had been practised by contractors.

The only other Question I have to answer is that which has been put to me by the hon. Baronet the Member for the City of Dublin, with regard to the position of surgeons in the navy. I have to inform the hon. Baronet that surgeons are now about to receive a new uniform of a more ornamental character than their present dress. The reasons for the delay which has taken place in that matter are that we have felt it necessary that all the non-executive officers in a ship should have a uniform distinct from that of the executive officers, and that we did not wish to decide what should be the uniform of the first of these classes until the House of Commons had agreed to grant the sums necessary for improving their general condition, which has now been accomplished. With regard to cabins, I cannot hold out the least hope that the Admiralty will give the surgeons a better class. We are anxious that proper cabins should be provided for surgeons, and also for the assistant-surgeons, but we cannot place them in the same position in that case as captains. My right hon. Friend opposite has stated that, according to the information which he received, a cabin was refused to an assistant surgeon on board the *Queen*, while that accommodation was afforded to the bandmaster and other inferior officers. Captain Hillyard, however, who commands that vessel, has informed me that he gave every cabin he could for the use of the assistant-surgeons, and that at last one of them wished to turn him out of his own steward's berth, as it was called. He refused to accede to that demand, and that is the only foundation for the story to which my right hon. Friend has alluded.

SIR JOHN PAKINGTON: Are we to understand that it is the intention of the Admiralty to prosecute contractors in all cases in which there are reasonable grounds for suspecting them of fraud?

LORD CLARENCE PAGET: We are taking legal opinions for the purpose of ascertaining how far we have the power of instituting such proceedings.

SIR CHARLES NAPIER said, it must be satisfactory to know that the contractors who built the gunboats had frankly told the Government they could not procure any but unseasoned timber. The question then arose whether the Government were to blame for accepting the unseasoned timber. For his own part, he acquitted them of all blame. Considering the emergency that had arisen, they were perfectly right in accepting unseasoned timber when they could not get seasoned timber, though it was no doubt a pity they

had not exercised the foresight of getting the right sort of timber beforehand. But he should like to learn from the noble Lord who were the contractors who employed short bolts, and who had thus shown themselves ready to expose the lives of every man on board their ships to the most imminent peril. He wished to know who it was that had resorted to that fraud in building the *Caroline* gunboat. The name of such a man ought to be made known to that House, and he was sure they would all feel that no punishment could be half severe enough for men who would so risk the lives of British officers and British seamen. He wanted to know their names that very night, that the House might judge of their conduct. He should like to know also who were the inspectors; whether there were any, and who appointed them. Why had the Admiralty not sent and examined every one of the gunboats one by one? Why had not the noble Lord the Secretary of the Admiralty, who it was understood was to do wonders with the navy, ascertained the actual state of the sixteen boats at the Haslar slip? He said that he "hoped" things were not so bad as had been supposed. Why, good God Almighty! he ought to know whether it was so or not. We had plenty of men at Portsmouth and Plymouth, and if not, let us send down a junior Lord of the Admiralty to see that the inspectors do their duty. There ought, at all events, to be a regular system of inspection. But there was another point to which he wished to revert. The gunboats built by contractors were not the only boats which were complained of; the Government had built a certain number of boats under the direction of their own officers, and in their own yards. Had those boats been satisfactorily constructed or not? It was well known that they were as bad as bad could be. The nation ought not to be trifled with any longer, and he hoped that the contractors, whoever they might be, and the persons under whose directions the inferior gunboats built in the Government yards were constructed, ought to be brought to book. The inquiry would be a very difficult one. Would they get those who built the boats to speak the truth, and say what sort of timber these boats were really built of? At all events, no one could doubt that there ought to be an inquiry, and that it ought to be a very searching one. The noble Lord says he will speak the truth, the whole truth, and nothing but the truth:—but will others do it? If a Commission was appointed to investigate the matter, he hoped they would not be contented with the mere statement of witnesses before them, but that they would go down and personally inspect every one of the defective gunboats. We were spending millions of money annually on the navy, and it was really disgraceful to find that the work was so deficient as it had turned out to be. Why, he was told that the stern of the *Princess Royal*, the very vessel which his noble and gallant Friend (Lord C. Paget) himself commanded, had been recently taken to pieces, and had been found to have been originally constructed of very unsound timber. Every one of the line-of-battle ships which were now being converted from sailing vessels into screw steam-ships were being converted, as he was informed, with green and unseasoned timber. It was all very well for the Admiralty to say that they had no seasoned timber. His simple reply to that was the inquiry—Why had they not? They have had plenty of money for it. His hon. Friend on the opposite side (Mr. Bentinck) had pointed out to the House that there was not a sufficient quantity of well-seasoned timber for two years kept in the dockyards? Why was that? Surely it could not be said that they had not money enough voted by Parliament. If they were converting all our ships of war into screw steamers with unseasoned timber, as he was informed they were, no sooner should we have finished the conversion of them than we should have to begin again with the first and repair them. He could tell the House that as long as such carelessness was suffered in the mode of doing the work, it would be quite a delusion to suppose that our Naval Estimates would ever be reduced. He did not say that it was not necessary to convert the line-of-battle ships to steamers; on the contrary, it was absolutely necessary, for, in the present juncture of affairs, and when the whole system of naval warfare had undergone a change consequent upon the introduction of steam, it became more than ever necessary that we should use every available means which science afforded to strengthen our navy, and place it in such a condition that we should maintain our naval supremacy. The right hon. Gentleman the Member for Buckinghamshire, the other night, said, that the state of Europe was such as to make the boldest man quake and the wisest men tremble. He was neither the

Sir Charles Napier

boldest or the wisest man, yet he both quaked and trembled, and therefore it was that he was most anxious to take every opportunity of warning the Government of the danger we incurred in neglecting the navy. He hoped the hon. Member would insist either on a Committee or a Commission.

ADMIRAL DUNCOMBE said, that some of the gunboats which were inspected at Haslar slip were quite rotten, and in an absolutely dangerous condition.

LORD CLARENCE PAGET: What I said was, some of them required very small repairs.

ADMIRAL DUNCOMBE could only say, that two years ago when he happened to be at Haslar, and examined the gunboats, he poked the end of his umbrella through the bottom of some of them, and he could not well understand how they could require very small repairs after that. The noble Lord would probably bear in mind that, not only a great many Members of Parliament, but a great many officers and naval authorities were entirely against the system of hauling up vessels on dry slips and exposing them to all the influences of the weather. He believed that the best thing in the world for ships was to keep them afloat, and he should be very glad to see a comparison instituted between those that were kept afloat and those that were laid up in reserve. There was no doubt that a great deal of the decay was owing to the boats having been originally built of unsound timber; and he thought himself, that so far as the Royal Arsenals went, they should supply seasoned timber to the builders, and for that purpose keep a good supply themselves. It had been mentioned that two of the mortar boats at Chatham were so rotten that it was very doubtful indeed whether they ought to be repaired or not. He hoped that the Admiralty would not throw good money after bad, but that if the boats were found to be very defective they would be broken up at once.

MR. BENTINCK said, that his hon. and gallant Friend had made a statement that he could not possibly believe to be correct—that the Admiralty, from want of seasoned timber, had been compelled to convert line-of-battle ships with unseasoned timber. They really ought to hear whether there was any foundation for that statement or not. He could not himself believe that such had been the case; but the statement was one of such importance, and was calculated to create so much alarm throughout the country, that they ought to have a full, fair, and satisfactory explanation upon the matter. A great deal had been said with respect to the condition of the gunboats at Haslar. It was stated, two years ago, that the rotten state of these vessels was owing to their being hauled up on slips and kept dry, instead of being kept afloat. Why there was no carpenter's boy commonly conversant with the subject, who could not have told them what the result would be. The simple fact was, that ships which were hauled up invariably became rotten. No less than seventy gunboats had been hauled up into a position in which they could not be got at, and the cost of the operation was £70,000. Everybody who knew anything about the matter, knew that they must rot; and he had no doubt whatever that when they came to be examined, the sixteen remaining gunboats would be found to be in the same state. No doubt a system of inspection was very good; but it required the closest and constant observation on the part of the inspectors, to detect frauds of the description which had been adverted to on the present occasion. Short bolts might be put in without the knowledge of the contractor himself; and it was very easy for a shipwright to cut the bolt in two, put in the two heads, and clinch them. It might be done in five minutes, when the inspector's back was turned; and therefore it would be necessary that the inspector should see every one put in. The rot in timber, after it had begun, showed itself in a moment; but it was impossible to say that timber was in a perfectly sound state, and would not rot, without examining it in the heart of the wood, in which the rot commenced and extended outwards. He had seen a vessel which appeared perfectly sound, and when the wood was opened no unsoundness appeared for several weeks. As, however, the wood dried by exposure to the atmosphere, the rot in the heart of the wood became perceptible. It was impossible that any system could prevent the occurrence of rot to the frame of vessels; but he believed it was false economy not to have a sufficient number of inspectors to watch every large vessel during the whole time it was being built.

COSTS OF PROSECUTIONS.

OBSERVATIONS.

MR. HOWES said, he rose to call attention to the Report of the Commission on the Costs of Prosecutions; and to ask

the Secretary of State for the Home Department, Whether it is the intention of the Government to bring in a Bill, or take any other steps, in relation to the subject of the said Report? In the year 1851 powers were given to the Home Secretary to promulgate new forms for the allowance of these costs, and that power had been exercised so stringently that, though theoretically the cost of prosecutions were defrayed by the Treasury, in fact at least 16 per cent fell on the counties. The Treasury had also assumed the power of defining the items of which the costs of prosecutions should consist. This led to a constant antagonism between the counties and the Treasury, to say nothing of a large amount of delay and uncertainty.

SIR GEORGE LEWIS said, the subject had been under the careful consideration of the Home Office and the Treasury; but, as yet no conclusion had been arrived at, and he was unable, therefore, at present to promise any Bill on the subject.

MORTAR VESSELS AND GUNBOATS.

OBSERVATIONS.

SIR FREDERIC SMITH, reverting to the matter of the gunboats, said, he certainly could not yield to the appeal made to him by the noble Lord the Secretary to the Admiralty, not to press his Motion for a Select Committee to inquire into this subject. All that had fallen from the noble Lord and other Members made him more anxious that this Committee should be appointed. He had no desire to attach blame to anybody—it was in perfect ignorance as to where the blame lay that he wished for an inquiry. It might be with the Government—though he did not believe it; it might be with the contractors, or it might be with the inspectors; but the House ought to know who was to blame. No doubt there was a great deficiency of seasoned timber, and he quite agreed with the gallant Officer opposite that on an emergency it was better to have gunboats built of unseasoned timber than no gunboats at all; but the House ought to know what sort of designs had been given out; whether proper specifications had been drawn up; whether they had been complied with; whether the terms of the contract would inflict penalties on the contractors for their shortcomings, and whether the inspectors had done their duty. He believed that the whole matter hinged on this question of inspection. The Admiralty might say that it was difficult to get inspectors; but they might be got if they were properly paid. The Secretary of the Admiralty, he had no doubt, would do his best to probe the matter to the bottom; but everybody who knew what a public department was would acknowledge that a Committee of the House of Commons could perform the duty much more effectually. The Government should ascertain where the fault lay, and should then visit the real offenders. They ought to find out the inspectors by whom these vessels were passed, and take steps to punish them if they deserve it.

MR. WHITBREAD was understood to say that the Admiralty had no objection to furnish a return of the cost of the gunboats, but it was right that the House should know the exact position of this question. The Admiralty had referred the matter to their legal advisers. There was not the least intention on their part to screen any contractor who had been guilty of these practices complained of; but the question which remained for the decision of their legal advisers was whether, having had inspectors to overlook the construction, and having received these vessels, they now had the power to institute legal proceedings against the contractors. It would be singular to have legal proceedings going forward and a Committee sitting at the same time; and the course he would suggest, therefore, was that the subject should be deferred until that day week to ascertain the exact position in which the Admiralty stood. They would then be able to acquaint the House whether they intended to take legal proceedings, and, if not, it would of course be in the power of the House to appoint a Committee if it thought fit to do so. The same answer applied to the proposal of the gallant Admiral, that the names of the contractors should be published. Pending legal proceedings it was not right to do so; but hereafter, if the House thought it necessary that the names of these contractors should be given, it would be in their power to call for them. As to the best mode of keeping gunboats, whether afloat or hauled up high and dry, it was not yet settled by the authorities which of the two modes was the better. Recently a gunboat which had been kept afloat for a number of years was examined and found to be as defective as any of those which were kept ashore. As to the question respecting the timber in the Government yards, he was not aware that there was

any foundation for the statement that the Government were now using unseasoned timber there.

Mr. WARRE said, that as soon as this discussion went forth to the world every one who had had a contract for the construction of these gunboats would more or less become an object of observation or suspicion. It would therefore be only right that the Admiralty should publish as soon as possible a list of vessels which had been honestly and truly built. While proceedings were taken against the guilty it was due to those with whose vessels no fault had been found that their conduct should be vindicated. The iniquity of driving these short bolts could not be portrayed in too strong characters. In his opinion it was an offence little short of wilful murder to send a ship to sea so constructed that she would probably go to pieces, and it displayed an amount of wickedness for which no punishment that the law could inflict would be too great. With regard to harbours of refuge, he wished to express his earnest hope that the question would be seriously entertained by the Government. The expenditure necessary might be spread over a series of years; but no one could hear of the casualties which took place every year on the shores of the United Kingdom, so many of which casualties might be averted if there were a harbour to run to, without feeling that the question was one of national importance. The four harbours most strongly recommended by the Commission on this subject were one on the north coast of Scotland, another on the east coast of England, a third on the north coast of Cornwall, and a fourth on the west coast of Ireland. Others might be wanted, but as everything could not be done at once the Government might take these four first, and it would be well to set about them immediately.

THE FOREIGN OFFICE.—QUESTION.

Sir JOHN SHELLEY said, he would beg to ask the Chief Commissioner of Works, Whether it is true that it is in contemplation to expend between £20,000 and £30,000 on temporary buildings for the Foreign Office at or near to No. 8, Spring Gardens, and whether the Clerk of the Parliaments has in consequence received notice to quit that house; also, whether it is the intention of the Chief Commissioner to carry out the proposal announced by Lord John Manners when Chief Commissioner of Works—namely, to cause the plan of the architect and the estimates for the re-building of the Foreign Office to be exhibited in the Library, for the inspection of Members of the House of Commons, before any proceeding is taken or any money is expended? He protested against any expenditure under this head being reserved for No. 7 set of Votes, for he believed that had the vote for cleansing the Serpentine been proposed earlier in the Session the House would never have sanctioned it. It would be remembered that Mr. Gilbert Scott had been selected as the Gothic architect for the construction of a new Foreign Office. The noble Lord (Viscount Palmerston) had pronounced strongly against the Gothic style, but Mr. Scott had, nevertheless, he believed, been continued as architect. Under these circumstances he thought the House ought to have an opportunity of seeing what was proposed to be done before any money was laid out.

Mr. COWPER said, that some temporary accommodation must be found for the Foreign Departments during the time occupied in pulling down the existing Foreign Office and building up the new one; and a plan was under consideration by which the house occupied by the Clerk of the Parliaments would be used in conjunction with other houses for that purpose. Information on the subject had been communicated to the Clerk of the Parliaments but beyond that step nothing had as yet been decided. He could not think that a charge of this sort should be put into No. 1 Miscellaneous Estimates, instead of into No. 7. The ordinary expenditure that occurred every year was put in No. 1, and the things that would not occur again were put in another Estimate, in order that the two classes of expenditure might be separately considered. With respect to the style of architecture to be adopted for the new Foreign Office, he would remind the hon. Gentleman, that in the debate of last year the First Lord of the Treasury told the House, that before requiring any sum to be voted he would take care that the plan of the proposed building and the Estimates should be submitted to the House; and it was unnecessary to say that that promise would be fulfilled. He would rather not enter into any statement respecting the precise sum requisite to make the temporary buildings suitable for the purposes intended, because it must necessarily be a rough estimate.

COLLISIONS AT SEA.

OBSERVATIONS.

MR. DIGBY SEYMOUR said, he wished to call the attention of the House to the state of the Law with regard to Collisions at Sea, so far as Foreign Vessels are concerned, and to ask the President of the Board of Trade whether Her Majesty's Government are prepared to urge on the Governments of other Countries the expediency of establishing some international rule for assimilating the liability of Shipowners in cases of Collision, at home and abroad. The subject was one of great importance to the mercantile marine of this country, especially now that our foreign trade was increasing so rapidly. The question involved principles of international law, and was one on which there was great diversity among the different systems of law recognized by the principal commercial nations of Europe, as well as the United States. By the law of France if a vessel belonging to that country damaged one belonging to another nation, the owner, by abandoning his ship, might save himself from further consequences. A similar rule prevailed in Holland, Sardinia, and other countries of Europe; while the law of the United States of America bore more analogy to that of England. The liability of the British shipowner was fixed and defined by the Merchant Shipping Act; but, while that liability was limited in the case of collision between two British vessels, the limitation did not apply when a collision took place between a British ship and a foreign ship. It was only just that all parties should be placed upon the same footing, and therefore he felt it to be his duty to call the attention of the Government to the subject. He trusted the Government would see the necessity of coming to some international arrangement upon the subject, with which an Act of Parliament was necessarily incompetent to deal.

MR. MILNER GIBSON said, that communications had already passed between the Board of Trade and the Foreign Office in reference to the subject to which the hon. and learned Gentleman had called attention. The Government were quite alive to the importance of this proposal, and were very desirous that some international arrangement should be entered into for assimilating the laws of the different countries, so that a British ship in a foreign country might receive a similar treatment in that country to a ship of that country, and that we should in turn reciprocate that protection to ships of other countries. It was desirable, in fact, that some arrangement should be made by which each country would give national treatment to the ships of the other. That matter was under consideration by the Foreign Office, and so far as the Board of Trade was concerned, they would give their best attention to it.

He would also beg to reply to a question of the hon. Member for Sunderland (Mr. Lindsay), who had inquired whether the Government intended to introduce a measure to carry into effect the recommendations of the Harbours of Refuge Commission. Of course there could be no difference of opinion respecting the desirableness of having harbours of refuge upon the coasts of this country, and especially upon the eastern coast, which was passed by a much greater number of merchant vessels, because every one must be struck with the loss of life and property that annually took place at sea. The question was, as regarded harbours of refuge, from what source were the necessary funds to be obtained? The Royal Commission and the Committee of the House were not of the same opinion as to the source from which the funds were to be derived. The Committee considered that a portion of the expenditure should be derived from tolls levied on merchant vessels passing those harbours. The Commission recommended that the expenditure should be met by Votes in Parliament, and by the expenditure of the public money. He did not find on inquiry that the shipowners and insurers valued those harbours of refuge sufficiently to be willing to take upon themselves any considerable portion of the charge; and with regard to a large expenditure of public money, it was a matter on which he was not at liberty to speak; it was a question for the consideration of the Treasury, rather than for the Department with which he was connected. The Government were fully impressed with the importance of these harbours of refuge; but no decision had been come to as to whether any plan could be laid before Parliament with the view of carrying out that part of the recommendation of the Commissioners. With regard to the question as to whether the Government were ready to do anything to facilitate the construction of harbours of refuge, and the improvement of such harbours as now exist, he begged to say, that instructions had

been given to prepare a Bill to effect that object; and when the state of public business would permit he should state the provisions of that measure to the House. It was a Bill that he thought would materially assist the object in view, though certainly it would not go to the full extent of all the recommendations of the Commissioners. It was proposed to introduce a provision to give facilities for obtaining powers to make improvements without the necessity in each particular case of parties incurring the expense of coming to the House for a special Act of Parliament. The Government were quite alive to the importance of the whole question, and the hon. Member for Sunderland would admit with him that it was a matter that could not be undertaken without more consideration, involving, as it would, a large grant of public money.

FRENCH FORTIFICATIONS AT ST. PIERRE.—OBSERVATIONS.

MR. HALIBURTON said, pursuant to notice, he rose to call the attention of the Secretary of State for Foreign Affairs to the state of the French Fortifications at St. Pierre. He said it would be in the recollection of the noble Lord that he (Mr. Haliburton) stated on a former occasion that there were two small islands in the Straits of Belleisle, lying between Newfoundland and the Labrador coast, which having been taken from the French had been restored by treaty with certain fisheries annexed thereto; upon the conditions expressed in the treaty of 1763 they were to erect no buildings but for fishery purposes, were to keep only 50 soldiers for purposes of police, and, above all, were to erect no fortifications. Fortifications had, however, been erected there; and on the former occasion he asked whether his Lordship's attention had been called to that fact, and whether any steps had been taken, either by application from the Governor of Newfoundland or from the Government of this country, to the French Government, to restrain the erection of fortifications at St. Pierre. Unless some step of the kind were taken, in the event of a war these fortifications would be found extremely inconvenient. The island was so situated as to command the whole of the navigation of the Straits of Belleisle and the coast of Labrador; and a cruiser there might at any time intercept the navigation of the St. Lawrence. He had reason to know that in violation of the treaty a French squadron was kept there, and that the place had been converted from a fishing into a naval station. There were several French men-of-war there; he had himself seen those ships at Cape Breton, where they affected to wait for the mails, and whence they took back large quantities of coal to St. Pierre, in the meantime taking charts and soundings of all the coast. They had at the present moment 30,000 sailors there. It was really a matter of deep importance, because the island in question was out of the way. There was no human being to resort to it but those French fishermen and those men-of-war. It had no value except for its political importance and its command of the navigation. That a French squadron was there was a fact within his own knowledge. He had himself seen two ships at a time at Cape Breton; the French flag was constantly flying in that harbour, and that of Her Majesty was to be seen on a small fortification. Many of the inhabitants of the island were Frenchmen; he had nothing to say against them; they were mild and peaceable people, and well-disposed towards Her Majesty's Government; but they were Frenchmen; France was their fatherland; they spoke the same language and were influenced by the unity which was promoted by a common form of religion; they were, in fact, dangerous neighbours to have in that peculiar locality. The answer which the noble Lord gave him arose, he thought, from a misconception of what he had stated. His question applied to fortifications; the answer of the noble Lord was that certain questions had been referred to the law officers relative to the erection of certain buildings on the island in question. He (Mr. Haliburton) did not complain of the erection of any buildings; it was the setting up of batteries and guns, it was the making it a very dangerous point of which he complained. The few English fishermen who had at times frequented the place, seeing those batteries and asking the meaning of them, were told with a shrug, "Oh, this is the morning gun battery, and that is the evening gun battery; and they have been placed there by the Emperor." They make no secret of it at all. It did not become him to question any opinion that might be given by men so distinguished as the law officers of the Crown, but he might be permitted to question the form in which the proposition had been laid before them. In this country it was most difficult to ob-

tain minute information of distant places like that to which he was now referring. Our colonial Governors did not send the minute information that was communicated to the French and American Governments by their officers. He had, therefore, been obliged to send to Washington for a document deposited in the Treasury Department there in order to obtain information which he could not procure in this country. That document he had received, and he certainly regarded it as a very extraordinary thing that more minute and reliable information could be obtained with reference to British North America from Washington than could be found in England. The person by whom the document was written was appointed by the American Government Consul-General for all British North America. Clothed with that authority he went to the Colonies, and was everywhere received with respect and cordiality. The Custom House Offices were thrown open to him; he visited every port and every headland and creek along the coast, and reported everything with great minuteness to the Secretary of the Treasury at Washington. The Report extended to about 1,000 pages, and was full of valuable information, both with respect to the fishing grounds and to the commerce of the country. It was just such a Report as our Colonial Governors should be compelled to send to this country. To his surprise he found in the document drawn up by this official—Mr. Andrews—the copy of a Report of a Committee of the National Assembly of France on the deep-sea fisheries, in which they had a French opinion of that question, expressed by the Minister of Commerce and Marine. In this Report there occurred the following passage:—

"There was a time when France possessed all the principal fishing grounds in Nova Scotia, Cape Breton, Prince Edward's Island, and Newfoundland. But the treaties of 1713, of 1763, of 1783, and finally of 1814, had reduced our possessions in those quarters to the two islets of St. Pierre and Miquilon—that is to say, to two sterile rocks—destitute of all resources, and on which we are forbidden to raise any fortifications. These treaties reserve to us the right of fishing along the coast of Newfoundland, but only at determined points and distances. We are only permitted to establish ourselves on the northern part of Newfoundland during a few months of the year, without constructing any permanent habitations. The country is uncultivated and savage."

It would scarcely be credited after this that, instead of limiting themselves to the permissive rights belonging to them under the treaties, the French had assumed an arrogant demeanour towards the rest of the inhabitants, that they were laying claim to a great part of Newfoundland, and that they were driving out the inhabitants, the descendants of Irish families, who were obliged to quit their houses or have them burnt about their ears. They had presumed actually to hold courts-martial upon English fishermen, punishing them by taking away their nets, and committing other irregularities. In a letter which he had received from Cape Breton he was informed that fishing vessels putting into the harbour under stress of weather were fired on by the French and driven out to sea in a severe storm—fired on, it would be observed, from our own territory. This was a matter of the deepest importance. There were no fewer than 30,000 sailors there belonging to France, and, as there were 90,000 sailors inscribed on the books of France, it followed that one-third of the men from which the French navy could be manned were to be found in that distant territory. On this report of the French Minister, Mr. Andrews observed:—

"It will be seen that the cod caught and dried by the French will be introduced into the principal markets of the United States, with a bounty of two dollars per quintal, which is nearly equal to the value of our own fish. It must not be overlooked either that besides this excessive bounty on fish there is another of ten dollars for every man engaged in the fisheries, and a further bounty of 20f. per quintal metrique on cod oil, and an almost total exemption of duty on their salt."

The views he had formerly expressed to the House on this subject had been published in the Colonies, and he had received many letters thanking him for bringing it under the notice of Parliament and of the Government, and begging him to press it still further upon their attention. Mr. Andrews passed a high eulogy upon the sailors of British North America, which, as it might be gratifying to the noble Lord and furnish useful hints in their future legislation for the Colonies, he should like to read to the House. He had himself lived on the borders of the great Republic, without, however, acquiring the disposition of its citizens to boast, of which disposition he wished to leave those gentlemen in exclusive possession. Mr. Andrews said:—

"England possesses no nursery for seamen at all equal to her North American colonial trade. Besides training her own hardy sons to the dangers and hardships of the sea, that trade fosters and raises up from among her active, well built, enduring, and intelligent subjects in the northern colonies as fine seamen as ever trod a deck, afraid

of no danger, and perfectly fitted to sustain any reasonable amount of cold, hardship, and fatigue. The vigour of their frames, their sound constitutions, and the habit of facing severe cold, violent gales, and stormy seas in a high northern latitude, aided by quick perceptions and ready intelligence, eminently qualify them to navigate her ships to any quarter of the world, either to uphold the honour of their country in fighting her battles upon the seas, or, better still, to extend and enlarge her commerce to every part of the habitable globe. To her colonial seamen England may well look with honest pride."

It was natural that a citizen of the United States should put himself at the head of all creation. They said that "The English whipped all the world, and they whipped the English." So Mr. Andrews went on :—

"Save our own citizens they have few equals, and none others are their superiors. Whether in war or in peace these British North American sailors, cradled on a stormy deep," &c.

The rest of the sentence he need not read to the House. They had heard much of the protection of the Colonies by this country. Our North American colonists were told that they were a great encumbrance and that it cost a great deal to protect them. If the Government wished to protect our Colonies, let them protect their fisheries, for they were the mainstay of these Colonies. People at home had talked so much of protecting the Colonies that, like other people who told marvellous stories, they began to believe it themselves. It was an amiable delusion; but let them, at all events, protect the North American fisheries. He trusted that the noble Lord would not allow the French, contrary to the stipulations of treaties, to erect fortifications at St. Pierre, when the people of the Colonies, at a great expenditure of blood and treasure, would try to drive them out; and drive them out they certainly would. He also wished to ask the noble Lord whether there would be any objection to lay upon the Table of the House Copies of all Questions submitted to the Law Officers of the Crown with regard to the French Fortifications of St. Pierre?

LORD LOVAINE asked whether the noble Lord could state the general position of the negotiations relative to the Fisheries Convention of Newfoundland?

CASE OF MR. SPITZ-GOLDSTEIN.

OBSERVATIONS.

MR. ROEBUCK, in rising to call the attention of the House to the case of Mr. Spitz-Goldstein, said that during the Indian outbreak the English Government and the East India Company bought some horses in Candia. They treated with various persons for this purpose, and the British Consul at Aleppo, Mr. Skene, applied to Mr. Spitz-Goldstein, a Turkish subject, to buy some horses and camels for service in India, at the same time acknowledging the services he had rendered to the Allied Army in the Black Sea. Mr. Spitz-Goldstein accepted the offer, and on the 8th of June, 1858, Mr. Skene wrote to say he was glad he had undertaken the affair and that the matter might now be considered as settled. Mr. Spitz-Goldstein accordingly bought a number of camels and horses. A change of Government at home meanwhile took place, and while he was waiting for the officers to come and receive the animals he was told that the whole matter was referred from Aleppo to Bagdad, that he had no claim upon the British Government, and that the British Consul had transcended his powers. Now, he wished to know whether the Government were prepared to stand upon their power as a Government and do nothing for Mr. Spitz-Goldstein, or whether they would consent to refer the matter to arbitration, and say what claim, if any, this gentleman had upon the Government. Mr. Spitz-Goldstein was a Turkish subject, unsupported by powerful connections, and the Government had the power to be unjust, but he appealed to the noble Lord to submit the matter to arbitration. He wished therefore to ask the Secretary of State for Foreign Affairs if he will consent to submit that case to the decision of an arbitrator to be chosen by the Government?

FORAGE CONTRACT IN IRELAND.

OBSERVATIONS.

MR. POLLARD-URQUHART said, he wished to call the attention of the right hon. Gentleman the Secretary of State for War to the case of the Contractors for the supply of Forage to the Troops quartered in the counties of Dublin and Kildare. The case of these contractors was one of great hardship and severity. In the month of May, 1859, those contractors entered into an engagement to supply the horses of the troops with hay at £3 10*s.* per ton, which seemed at that time a fair price, the usual price of hay in Ireland averaging from £2 10*s.* per ton to £3 10*s.*; but in consequence of the unfavourable state of the weather during the summer of 1859

the price of hay in Ireland rose to £5 or £6 per ton, and in November last it reached the extraordinary price of £7 10*s*. The contractors went on supplying the troops at a daily loss of £70, and they had actually lost by the contract no less a sum than £9,000. He was fully aware of the danger which might result from not compelling persons to stand by their contracts, and if this were an ordinary case, he should not have asked the Government to do anything in the matter. He found that in the year 1846 the Government did compensate certain contractors for losses which they unavoidably sustained. The present case was one which could not be construed into a precedent. If the Government enforced the contract strictly, it would inevitably ruin these contractors. He trusted he had shown that the circumstances of this case were not of an ordinary nature. The contractors might have thrown up the contract, as the bonds were not actually signed, but they preferred executing it and trusting to the mercy of Her Majesty's Government to compensate them for the great loss which they would sustain, and they followed that course the more freely as they had been given to understand by the Commissary-General that their case would be taken into consideration.

THE REFORM BILL.—QUESTION.

MR. EDWIN JAMES: Sir, there is a feeling in the country that there is no sincere desire on the part of the Government to proceed with the Bill for the Amendment of the Representation of the People; and I do not wonder at it, for appearances are certainly a little against them. Parliament met on the 24th of January, and I think as early as the 25th the right hon. Gentleman the Member for Stroud (Mr. Horsman) and myself, both suggested to the Government that any delay in the introduction of the Reform Bill might be subject to misconstruction. The noble Lord the Member for the City of London then announced that he would introduce the Bill on the 20th of February. He was again asked on both sides of the House on the subject; and then he said he would postpone the Bill from the 20th of February to the 1st of March, which he said was an auspicious day for the introduction of such a measure. The Bill was introduced by the noble Lord on the 1st of March, in a speech which did not give him much trouble to make:—indeed, it could not well have been otherwise, for there was not much to say upon the Bill on the table. The noble Lord made a short and able statement—not a longer statement than it would take a country gentleman to make in introducing a Bill for the diversion of a footpath. The second reading was agreed to on the 3rd of May, and the Committee on the Bill is postponed to the 4th of June; and yet we find that Her Majesty's Government are constantly bringing in Bills to which this great and important question is to give place. We find the Highways Bill constantly set down among the Orders of the Day, and the repeal of Sir John Barnard's Act constantly taking the place of this great measure—we find a Bill called in mockery the City of London Corporation Reform Bill, which is an official curiosity—we find all these Bills taking the place of the Bill introduced by Her Majesty's Government for reforming the representation of the people. I think, therefore, I am justified in asking the noble Lord whether he sincerely means to proceed with the Bill in Committee on the 4th of June, in order that Members may be able to apply themselves to the details of the Bill, so as to make it a great measure worthy of the House and the country. I beg to put the following question to the Secretary of State for Foreign Affairs:—Whether it is the intention of the Government to proceed continuously with the Reform Bill, the consideration of which in Committee has been postponed till the 4th June, so as to afford to the other Branch of the Legislature the opportunity of passing into Law that Bill during the present Session?

CHABLAIS AND FAUCIGNY—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the noble Lord the Secretary of State for Foreign Affairs, Whether he is now able to give any assurance that no French Troops will be moved into the Provinces of Chablais and Faucigny until the question of the dispositions to be adopted as to those neutralised Provinces shall be finally determined upon by diplomatic consultation and agreement? He did not wish to make any attack upon the noble Lord, for he acknowledged the difficulty of his position, and whoever had occupied that position would have found himself surrounded by the same difficulties:—but he wished to point out that if France were allowed to occupy those provinces before any settlement took place she would not

withdraw her troops afterwards; and therefore he desired the British Government to make their proceedings intelligible at this stage of the matter. He thought it would be better for Switzerland that they should withdraw from the matter at once than that they should be drawn into a proceeding which would be delusive from the beginning. He would just remind the noble Lord that M. Thouvenel had said in one of his despatches that, in case of the annexation of Savoy to France these provinces would be given to Switzerland, and he (Mr. Griffith) only expressed the feeling of this country in the matter when he asked the noble Lord whether he could give any assurance that that arrangement would be carried out, and that France would not be allowed to occupy those provinces.

THE IRISH REFORM BILL.

QUESTION.

MR. VINCENT SCULLY said, he rose to ask the noble Lord the Secretary for Foreign Affairs, Whether Her Majesty's Government will agree to introduce provisions applicable to Ireland into the Representation of the People Bill for England and Wales? He said the noble Lord ought to feel indebted to the hon. and learned Member for Marylebone for giving him an opportunity of disavowing the charge of insincerity which was made, not only against the noble Lord, but generally against the House of Commons. The hon. and learned Member for Marylebone had made one of the most damaging speeches against the Reform Bill which had yet been delivered. He had done a great service by calling attention to facts and figures, and he had also given notice of his intention to move the insertion of a clause which would confer the franchise upon lodgers, and the omission of the provision which made the payment of poor-rates a condition precedent to the exercise of the franchise. It was said that nobody wanted this Bill, and that if a vote by Ballot were taken upon it, only two Members would be found to support it—the noble Lord and his backer, the hon. Member for Birmingham. He wanted to know how they were sure that if it were put to the Ballot there would be two votes in favour of it at all. They were all accused of being insincere, and he confessed himself guilty of that very soft impeachment. But if there were no sincerity about passing the English Reform Bill, there was no insincerity about the Irish Reform Bill. The Chief Secretary for Ireland, in reply to a question, had stated that he would not take up the Irish Reform Bill until the English Reform Bill was passed through Committee. He, therefore, asked the noble Lord last night, whether he would postpone going into Committee on the English Reform Bill until after the second reading of the Irish Bill; or, if he would not do that, whether he would incorporate the Irish in the English Bill. The noble Lord took no notice of the second branch of this question, and as he could obtain no answer to a question put in a very quiet and modest form, he thought he was justified in using the privilege of a Friday night to draw the distinct attention of the noble Lord to it. It was not a new idea, because so long since as December last he had written to the Chief Secretary suggesting uniform legislation for the two countries, and the omission of the provision which required payment of poor-rates as a condition precedent to the enjoyment of the franchise. He knew how injuriously that provision operated in Ireland, and he believed it was found even more injurious in England. He had long been of opinion that it was better to have a bad law for Ireland incorporated in the same Bill for England than to have it exclusively applicable to Ireland, because a bad law which affected England would soon be changed, but if it only affected Ireland there was not the same certainty of a speedy alteration. The country imputed insincerity to the House of Commons, but what was the sincerity on the part of the country itself? The whole of the petitions for and against and about reform did not bear 90,000 signatures, and only 9,711 signatures were in favour of the Representation of the People Bill. The signatures in favour of the Representation of the People Bills were only two—that was to say, in favour of all the three Bills of the Government. There were only 23,670 signatures to petitions in favour of Reform from England, while there were 27,620 signatures to petitions from Ireland. He saw a right hon. Gentleman opposite (Mr. Whiteside) shaking his very learned head at that statement, and he knew that the right hon. Gentleman meant to say that the people of Ireland cared nothing at all about Reform. Well, he was inclined to agree with the right hon. Gentleman, for he had lately visited his own constituents, and found they were very well satisfied with their present representatives; but still it appeared from their petitions

that the people of Ireland cared more about Reform than the people of England. The noble Lord said yesterday that until he had consulted the Cabinet he could not tell whether there would be any Scotch or Irish Reform Bill at all, and there seemed so much uncertainty that they might perhaps safely make up their minds there would be no Irish or Scotch Bill. He did not deny that a Reform Bill was wanted; but, if there was to be legislation for England, for the reason he had given, he thought Ireland ought to be included. There were important principles in the English Bill which Irish Members had a right to discuss. The Irish Members had taken very little part in the discussions hitherto, lest it should be said, "Why do you intrude? There will be time enough for you when we come to the Irish Bill." But if the Bill was to be deferred to the Greek calends there would be no opportunity to discuss the important principle of the franchise being based on population alone, which was acknowledged in the English Bill, and was of vital interest to the Irish people. The English Bill also conferred the elective franchise upon the principle of clear yearly value or rent, whilst the Irish Bill was based upon poor law rating. Where there was a will there was always a way; and the noble Lord, if so inclined, could easily have clauses applicable to Ireland introduced into the English Bill. An hon. Member who had supplied the House with some statistics had informed them that the English Reform Bill had already occupied them seven tiresome nights, upon which about eighty speeches had been delivered, so that it might be truly said of it:—

> "Seven nights, nine times nine,
> Did it dwindle, peak, and pine;"

and very small it had shrunk. He might continue the quotation—

> "Though the Bill may not be lost,
> Yet it shall be tempest tost."

All kinds of complimentary epithets had been applied to the measure. It had been compared to a bread-pill, which would do neither good nor harm; and the hon. Member for Birmingham had expressed a hope that it would not prove to be like a Spanish repast, at which there was very little of meat, but a great deal of table cloth. It appeared to him (Mr. Scully) that that exactly described the character of the noble Lord's scheme. In the meantime it had stopped the way of a great deal of useful legislation. More important measures, such as the Bankruptcy and Insolvency Bill and the Transfer of Land Bill, which the Attorney General had fifteen times placed on the paper without finding an opportunity to proceed with it, ought not to be delayed for a Bill which no one believed would be passed in the end. India and China, too, were waiting for them, and as yet nothing had been done for Ireland. He should recommend the noble Lord to withdraw his Reform Bill, and re-introduce it in a better form next Session. Some people said that if the Bill were thrown over, then they would see what sort of a measure would be demanded. For his own part, he should like to have the country roused to demand a good Bill. He did not wish to see a repetition of the old scenes at Nottingham and Bristol, but he should be glad to see a more earnest feeling excited in the minds of the people upon this subject. The Reform Bill was started as an express train, and all the other traffic had been shunted to let it pass; but, after all, it had turned out to be a mere Parliamentary train, going at the slowest possible pace; and, therefore, the best thing that could be done would be to shunt the express and get on the useful trains, in the progress of which the country was interested. Let the noble Lord throw the blame upon that House, upon him, if he pleased; but let him cease to obstruct legislation with this measure, which no one expected would be passed.

MR. O'BRIEN rose to appeal to the Government not to go into Committee on the English Reform Bill until the Irish and Scotch Reform Bills had been considered. He ventured to ask some Member of the Government the course they meant to take with reference to each of the Reform Bills.

LORD JOHN RUSSELL: The hon. and learned Member for Launceston (Mr. Haliburton) on a former occasion called my attention to the question of the fortifications at St. Pierre, and I am very sorry that the answer which I then gave was not satisfactory to him, because I can now do little more than repeat what was the substance of that answer. In the year 1856—I think in the month of January—an order was sent to the Governor of Newfoundland, directing him to inquire what were the fortifications which the French were erecting upon the island of St. Pierre. In the month of April following the Governor replied, and stated that there were fortifications commanding the entrance to the harbour—namely, a battery, mounting four

84-pound guns and two 42-pound guns, commanding the roadstead, and another battery at the entrance, commanding the south-east passage and mounting eight 42-pounders; that there was also a third battery, and a barrack capable of holding between 300 and 400 men. The whole of this Report was submitted to the law officers of the Crown, who were asked, not as to any particular fortification, but whether that state of things was conformable to the treaty or was at variance with it. The hon. and learned Gentleman has stated very truly that from 1713 to 1814, with respect to fortifications at St. Pierre, the answer of the law officers of the Crown was, that the fortifications mentioned by the Governor of Newfoundland did not amount to an infraction of those various treaties. The hon. and learned Gentleman asks me to produce the question submitted to the law officers and their answer; but to do so would be quite contrary to the rule which has always been acted upon in these cases. It is not considered right to produce the opinions given by the law officers of the Crown. I believe that practice to be founded upon very good reasons, and, therefore, I cannot comply with the request of the hon. and learned Gentleman. The subject of the fisheries is an entirely different one. The hon. and learned Gentleman states, and, I dare say, very truly, that there are 30,000 Frenchmen engaged in these fisheries. It is, as he says, the practice of France, and he might have added also of the United States of America, to give large bounties to promote their fisheries; and that is done, I believe, rather with a view to the training of a large number of seamen, than to any commercial profits which arise from the prosecution of those fisheries. That is a matter of policy with regard to trade, not relating to treaties at all, with respect to which it would not, at this moment, be convenient to enter into a discussion. Of course, the hon. and learned Gentleman can, if he thinks fit, upon some future occasion find fault with the policy according to which, some years ago, the giving of bounties was discontinued by the Government of this country.

The noble Lord opposite (Lord Lovaine) asked me a question with respect to the convention concerning the fishery off Newfoundland. That is a matter of very great importance. The negotiations have lasted a considerable time; but I hope that they are now approaching a termination. Captain Dunlop, who was sent to Paris to assist in conducting them, has returned to England, and has had an interview with my noble Friend the Secretary of State for the Colonies. I am told that the explanations which he gave were satisfactory to the noble Duke, and that he is about to return to Paris with the hope of bringing the negotiations to a satisfactory conclusion. The opinion of the Commissioners has been that it was not necessary to have any new treaty upon the subject, but that the treaties at present existing, with proper interpretations and proper measures for carrying them into effect, would suffice for the regulation of the fisheries of the two countries. I need not, therefore, enter any further into that matter; but I hope that we shall soon be able to announce the conclusion of these negotiations.

The question of my hon. Friend the Member for Sheffield will be answered by the Secretary of the Treasury, to which department the subject properly belongs.

To go on with foreign affairs, the hon. Gentleman opposite (Mr. Darby Griffith) asked me whether we had any assurance that no French troops should be marched into the districts of Chablais and Faucigny. I think I have, upon former occasions, stated to this House that the French Government entirely refuse to enter into any engagement upon that point. They have stated that they should not send any troops into the neutralized districts of Savoy until the Vote of the Parliament of Sardinia had completed the Treaty of the 24th of March, and entitled them, as they conceive, to the possession of Savoy; but after that time they would enter into no engagement whatever. I think the hon. Gentleman is so far right that any prospect of making a difference in the arrangements after the French troops should have occupied the provinces would be very much governed by that event. I did not understand at first what it was the hon. Gentleman proposed that we should do. I did not give any assurance to the House that has not been fulfilled. I stated to the House the arrangement which the Government wished to see carried into effect; but I did not state that we felt sure of attaining our object. The hon. Member thinks we ought to withdraw from all further negotiation in the circumstances to which he refers. That is certainly a matter for very grave consideration, and I will not at present give any engagement to the House on the sub-

ject. The hon. and learned Member for Marylebone has asked me a question with regard to the Reform Bill. That hon. and learned Gentleman has shown great candour in admitting that the Government have given some ground for the charge of insincerity which has been made against them. I will be equally candid with respect to his conduct. I think the hon. and learned Gentleman has given considerable ground for the impression that he is neither favourable to this Reform Bill nor willing to give it a fair consideration. The 1st of March was not a very late period of the Session for bringing forward such a measure. But the hon. and learned Member supposes we have postponed it to the Highways Bill, the London Corporation Bill, and other measures. That is a total misapprehension on his part, arising, I think, from his want of experience as to the proceedings of this House. If I had said that, instead of the Highways Bill coming on, we propose to go into Committee on the Reform Bill this evening, being a notice evening, I think the Members of this House generally, and with reason, would have said that the measure was far too important to be left to the chance of being taking at 9 or 10 o'clock at night, and that it ought to stand as the first thing for some day on which Orders of the Day have the precedence. Many measures of great importance and likewise of great urgency have been introduced into this House by the Chancellor of the Exchequer in connection with the financial arrangements of the year; and everybody knows that nothing can be more inconvenient than to have fiscal questions and matters touching duties of Customs or Excise postponed till a late day, thereby keeping all the trade of the country in suspense. Therefore it appeared to me that there was good reason for not bringing on the Reform Bill till the decision of the House had been taken on the principal portions of the Budget. To enable my right hon. Friend to proceed with those measures—one of which certainly did not progress at a very rapid rate in Committee last night—I fixed the Committee on the Reform Bill for the 4th of June. It is our intention then to bring it on. Of course, with regard to days we must be a good deal dependent on what may be the pleasure of the House, because on Notice nights, as the hon. and learned Gentleman must be aware, we cannot take the Committee on a Government Bill without the consent of those hon. Members who properly have the precedence. But we certainly wish to have as much time as the House may be willing to give us for proceeding with this measure. The hon. and learned Member for the county of Cork asked me whether I would introduce a clause making the Bill applicable to Ireland. I thought, when I said we should postpone the second reading of the Irish Reform Bill, he would have understood that we could not adopt the course he recommended, because if we were to do so it would almost be necessary to discharge this Bill and bring in another. The Chairman of the Committee would naturally say that provisions relating to Ireland could not find a fit place in a measure to "amend the representation in England and Wales." It is impossible, then, for us to propose such a clause as the hon. and learned Member suggests. We mean, as I stated the other night, to proceed with the Reform Bill for England; and, the question respecting the franchise having been decided in this Bill, that would make the discussion of the Irish Bill much more easy than if we had to debate the same point over and over again. The hon. and learned Gentleman does not seem very friendly to this Bill; but he has only to take the course which is the direct one, however much hon. Gentlemen who dislike the Bill may be averse to pursue it—namely, to vote against the measure altogether. What we have done is to bring forward a Bill which we believe will be useful. If other Members of this House think it a useful measure, let them support it. If they think it mischievous and dangerous, let them throw it out and take upon themselves the responsibility of such a step. But at one time to say it is a very small Bill, which does nothing at all, which is totally ineffectual and futile because it attempts so little, and at another moment to say it is a most dangerous and revolutionary Bill, calculated to overthrow the whole constitution of the country—surely there is a striking inconsistency in such double criticism. I shall propose that we go on again with the consideration of this measure, and then the House can, in Committee, discuss what is the best franchise and what the best distribution of seats to adopt. The hon. and learned Member for Marylebone proposes to introduce a lodger franchise. That is a very fair proposal; and I can assure him, on the part of the Government, that it shall be discussed, like all other Amendments—with a due consideration of all the reasons which may be advanced for or

against it; and then let the House decide whether or not it shall be adopted.

MR. EDWIN JAMES said, he had never thought and he had never stated that the noble Lord was insincere in that matter. What he had said was, that there was an impression in the country that the Government were not sincere in their mode of dealing with the question.

MR. VINCENT SCULLY said, he protested against the term inconsistency being applied to his conduct. He had never charged the Bill with being revolutionary.

LORD JOHN RUSSELL had not said that the hon. and learned Gentleman had made such a charge. He by no means intended to refer to the hon. and learned Gentleman.

MEASUREMENT OF GAS.—QUESTION.

MR. H. B. SHERIDAN said, he would beg to ask the Secretary to the Treasury when the Copies of Correspondence, which was moved for on the 30th March and 23rd April last, in reference to the Measurement of Gas Act, 22 & 23 *Vict.*, c. 66, will be laid on the Table of the House, and, also, when the Models of Gasholders required by the same Act will be deposited at the Exchequer, according to promise? The officials of the Treasury, who ought to be first to give effect to the intentions of the House, seemed to direct their whole attention to the best methods of preventing the Act coming into operation. The country was in a state of doubt and uncertainty with regard to the gas measures. For instance, Sheffield had sent up some gas-meters to the Treasury with a view of having them stamped, but the parties were told that her Majesty's officers had not had time to carry out the provisions of the Act, and that there were no gasholders deposited.

MR. SIDNEY HERBERT: I am sorry that I should be separated by so long an interval from my questioners, but it is an accident over which I have no control. I regret not to be able to give an entirely satisfactory answer to the question of the gallant Officer opposite (Colonel Lindsay) with regard Captain Grant's inventions. Nobody can attach greater importance to the question of cooking in the army than I do, and the Commission over which I presided gave great attention to the subject, as may be seen from the Report. Captain Grant, no doubt, has proposed a great improvement in the system, but his is only one of many inventions which have been laid before the Government as means of enabling the soldier to bake as well as boil his food with a great saving of fuel. I have not the least wish to detract from the merits of Captain Grant's apparatus; but I believe that where it has been long in use—at the London Tavern, for instance, and other places—it is not approved, and it is gradually falling into disuse. When it was first introduced into the army it was undoubtedly the best apparatus, and effected the largest economy of fuel. But it has its drawbacks. It is a large apparatus. As long as you have 500 men to cook for it cooks with great economy; but for every 100 men you have under that number the cost of fuel per man is proportionately increased. In fact, it requires always to be used at its full extent. It has also this disadvantage, that it cooks unequally; the meat which is close to the fire gets too much cooked and has to be removed, while that which is farthest off has to be brought near; and there are great complaints from the men that in shifting the pieces they get their shoes burned by standing on the hot plates, and their clothes injured by the fire. There are other apparatus at Woolwich, which have the disadvantage of being more costly and more complicated, but with which there is a great economy of fuel. The old boilers reset on Captain Galton's plan are those which effect the greatest economy of fuel. The following figures, I think, will give the House some idea of the relative economy of the different apparatus. The old barrack boilers unaltered cost, for 100 men, from 16oz. to 18oz. of fuel per man, for 300 men from 16oz. to 18oz., and for 500 from 16oz. to 18oz. Captain Grant's apparatus cost, for 100 men 32oz. per man, for 300 men 16oz., and for 500 men 12oz. and a fraction. This is with the boilers alone. With the ovens the cost runs 40oz., 18oz., and 14oz. respectively. The complicated apparatus at Woolwich of which I spoke costs for 100 men 20oz., 800 men 12oz., and for 500 men 8oz. per man. With the boilers reset on Captain Galton's plan the cost is only 4oz. of fuel per man, whether for 100, 300, or 500 men. For the ovens the cost is 4oz. per man for 100 men, 2oz. for 300 men, and so on. The difference is so great that I think the Government would not be justified in adopting Captain Grant's as the universal apparatus. The late Secretary for War offered Captain Grant a royalty of £35 for every apparatus

to be set up. This, however, he refused. I proposed to him to take £500 as a compensation for the trouble which he had incurred—and I must say that he has devoted great pains and labour to the matter; he was the first person to turn his attention to it, and to lead others to take it up. He accepted my offer, but simply as a compensation for the expense and trouble at which he has been, and not as a recognition of the merits of his invention. As regards the field apparatus, the Select Committee were ordered to turn their attention to that, and apparently it was the only apparatus they did inspect. They highly approved it, and I believe the Commander in Chief was greatly pleased with what he saw of it. We have sent out a set for 5,000 men to China, and we have sent another set to Aldershot, so that its merits will be fully tested. At the same time we have thought it fair to place it in competition with another field apparatus, invented by the late M. Soyer. I shall be glad to do anything agreeable to Captain Grant, who has devoted a great deal of time to this subject; but as guardian of the public purse in military matters, while other inventions have been brought forward to compete with his, and some of them successfully, it would be difficult to give a reward to him, and not to the others.

With regard to the case to which my hon. Friend the Member for Westmeath (Mr. Pollard-Urquhart) directed our attention, the case is, no doubt, one of considerable hardship. The price of hay rose, and having lost considerably by their contract, the contractors applied to the Government for some compensation. They did not apply for any compensation for their oats contract, by which I conclude it was profitable to them. It is a remarkable thing, however, that throughout Ireland, where we have many contractors who must have suffered in common from the increased price of the commodity, these were the only contractors who applied to us for compensation. Clearly, if Government allows it to be understood that in dealings of this sort with persons engaged in trade and commerce they are not to be bound by the bargains made, because it may turn out to be less remunerative than the contractors anticipated, it would be impossible to insure that the contracts would be fulfilled. Suppose the reverse had happened, that there had been a most extraordinary produce of grass, and hay had fallen £1 or £2 per ton, I very much doubt whether these parties would have given the Government the benefit of the reduction. Under the circumstances, however much I lament the position of these gentlemen—and I think their position rather a hard one—I do not see how, consistently with my duty, I could do otherwise than hold them bound by the contract into which they originally entered.

Mr. Sidney Herbert

INSURRECTION IN SICILY.

QUESTION.

MR. GRANT DUFF said, that before asking the Question of which he had given notice, he wished to explain why he put it in the fewest possible words. It had been suggested to him that if he put this question he might be asked why he did not rather put a question with respect to the recruiting that was going on in Ireland for the troops of the Pope. His answer was a very simple one—that recruiting was so perfectly illegal that he could only suppose the reason why the Government did not interfere to put a stop to it was that, while other countries were sending the sweepings of their gaols to reinforce the cutthroats of Perugia, they might allow the example to be followed in Ireland. But the Sicilian insurrection was an entirely different affair. The Sicilians were really fighting for a noble cause, which, as far as possible, should be untainted by any illegality. If the Government were disposed to treat the recruiting for the Pope in Ireland with contempt, they could not so treat the expedition to Sicily of General Garibaldi. Once let him penetrate into the interior of that island, and the contest would become a very serious one indeed. It was true that the great towns of Sicily lying on the seaboard would be in the power of the Neapolitan Government so long as they could keep the sea; but it must not be forgotten that there were large parts of that country most admirably adapted for guerilla troops. Even in the most fertile districts the villages stood almost always on rocky eminences; they were built with narrow streets; and altogether they were of that character that a mere handful of men could defend them against better troops than could be sent against them by the King of Naples. If this turned out a long struggle, the attention of Europe would be drawn very much to the subscription which was getting up in this country. Not that he believed that subscription would ever amount to any sum that would be a very considerable assistance to the Sicilian

cause; but it would be so considerable as at least to attract attention; and if there was anything illegal in it, he thought it wise and proper that the Government should declare it to be so. Our position with regard to Sicily was a very peculiar one—for two reasons. In the first place, not only in France, but over the whole Continent, we were suspected of having views of our own with regard to Sicily. Now, although our temporary occupation of it might be of immense advantage to the island—although it would soon recover its prosperity, and become again the granary of the Mediterranean—yet he was perfectly sure that before five years passed the English rule would become unpopular, and the country would become the greatest possible burden and nuisance to us. There was another reason why we should disavow all connivance with illegal assistance given to the Sicilians. It seemed to him that the true and wise course for this country to take, as the head of the constitutional Governments in Europe, was to strive that the principle of national boundaries should be respected, and that every nation should settle its quarrels within its own territory. They might be certain that the Liberal cause in all countries was steadily gaining ground, and, if they only prevented one despotic Power from assisting another despot, before long the Liberal party would be able to completely crush their oppressors. His object in asking the question of which he had given notice was most friendly to the Sicilians. He wished success to their revolt. He wished it might spread into the mainland, and before long overwhelm the King and Government in utter destruction. Still, he hoped he had made it clear that the Government should do nothing to support the insurrection, and that English subjects, as individuals, should do nothing illegal to promote it. He begged to ask Mr. Solicitor General whether his attention has been drawn to an Advertisement which appeared in *The Times* of Wednesday, the 9th of May, announcing that a Subscription had been opened in London in aid of the Sicilians; and whether Persons in this Country who contributed to the Fund which it was proposed to raise would render themselves liable to any legal proceedings?

THE SOLICITOR GENERAL said, he hoped he should not be considered wanting in respect to the House, or to the hon. Gentleman, if he confined himself to giving a precise answer to a precise question, and abstained from following the somewhat discursive strain of observation, in which the hon. Gentleman had considered it right to indulge. He had therefore to state that his attention had been called to the advertisement, by the Notice of the hon. Gentleman's Question. He had a copy of that advertisement before him; he had read it, and, as he thought the hon. Member had not stated the substance of it, his observations would be rendered more intelligible, if he referred to it more particularly. The advertisement solicited subscriptions in aid of the Sicilians, and requested that the sums, which persons in this country might be disposed to give, should be paid into the hands of certain persons living in this country, whose names were published; and the proposal, was that the subscriptions, so paid into the hands of those persons, here, should, as money, be transmitted to Genoa, to be there disposed of by a committee, stated to be presided over by General Garibaldi. The Question was, whether the subscribing of money in this country, by paying it into the hands of foreigners or others, living here, with the purpose and object described by the advertisement, infringed any rule of common law, or was an offence against any prohibitory statute? Now, it appeared to him that, so long as what was done was kept within the bounds of a mere subscription in this country, such as this advertisement described, no law of this country would be violated. The only statute in any way bearing on a case of this description was, the 59th George III., commonly called the Foreign Enlistment Act. It prohibited two things—the enlisting of soldiers, and fitting out or equipping vessels of war for service, under or against, foreign Governments. It did not in any way touch subscriptions. As far as he was able to form an opinion, any man who thought proper might put his hand into his pocket, take out his money, and put it into the hands of another, on the faith of its going to Genoa, to be disposed of by General Garibaldi; without violating either the common, or statute, law of the country.

RECALL OF SIR CHARLES TREVELYAN.

QUESTION.

MR. DANBY SEYMOUR said, he had given notice of an important Question, the answer to which would be looked to with interest throughout the whole of India; it

was to ask the Secretary of State for India, Whether it be true that he has recalled Sir Charles Trevelyan from the Governorship of Madras. He might be permitted to express a deep interest in this question, because he was personally acquainted with the state of the Madras Presidency. Six or seven years ago, under a former Government, he had the honour of detailing to the House what were his observations with regard to a state of things that ought never to have existed —a most chaotic state of things—Government abdicating its first functions in providing for the security of life and property, grinding the ryots by the most oppressive taxation, and compelling the cultivators to pay 50 per cent—one-half of their gross produce—following in the track, but with more than the severity, of the Native Governments that preceded them. On the other hand, there was a province where, in the short reign of one year, through the personal influence of the Governor, the population was reconciled to the Government it before hated; in which an assessment was equitably carried out; and land for the first time, contrary to all the traditions of the old East India Company, principally through the influence of Sir Charles Trevelyan, had been sold in fee simple to anybody who wished to purchase it. This was but a small portion of the benefits which the right hon. Gentleman had conferred upon the country; and it was with the very deepest regret, with feelings of astonishment and great pain, that he now said that the right hon. Gentleman had committed acts which cut him off, if he might so speak, in the middle of his most beneficent career. It was only that evening he understood that Sir Charles Trevelyan had for certain been recalled from Madras, and that his successor had been appointed. The ground upon which that recall was based was, he believed, the Minute which Sir Charles Trevelyan had written in reference to the financial statement which Mr. Wilson had laid before the Legislative Council at Calcutta; and he must say that, having read both, he fully agreed in the general principles which in the Minute were laid down, and regarded Sir Charles Trevelyan as being justified in taking the decisive step which he had adopted if he were in a position to prove that no further taxation was required in India. In saying he was justified, he might, perhaps, be employing language which was somewhat too strong; but he should endeavour to assign a good reason for the use of that expression by entering into a brief explanation of what he believed to be the motives by which Sir Charles Trevelyan had been actuated in taking the course which he had pursued. He had not, he felt assured, adopted that course in a fit of petulance, or without being fully alive to the fact that he would thereby be likely to incur the displeasure of a Government who could mar or make his fortune. Before, however, he entered into an explanation of the motives of Sir Charles Trevelyan's conduct in the matter, he should like to state what the step was which he had actually taken. Mr. Wilson, in proposing his Budget to the Legislative Council, setting forth the financial difficulties under which the Government of India laboured, and in stating the views which he entertained as to the best mode of meeting them, informed the Government that he had discovered a deficit for the year of upwards of £9,000,000, and a prospective deficit for the year after of £6,000,000. He however, admitted that his calculations with reference to the subject were extremely vague. In order to meet the deficit he stated that it would be necessary to impose three new taxes, one of which, the tobacco tax, had already cost three rebellions in that part of the country in which it had been levied. And although in favour of the other two taxes Mr. Wilson might quote the institutes of Menu—which, as Sir Charles Trevelyan said, had no more weight than the common law would have in this country—it was quite evident that he took rather a European than an Indian view of the subject. Those two taxes would, he might observe, be extremely heavy in their incidence on the population of India. The licensing tax, for instance, like the old moturpha tax, which had been condemned by the Court of Directors ever since 1846, was one of the most oppressive which had ever been collected. The other tax to which he referred was the income tax, which, as the House was aware, was to be levied in India upon incomes of £40 per annum, which would probably correspond to £150 in this country. Now, he did not feel disposed to quarrel with the imposition of these taxes if it were actually necessary to levy them, even though, as was proposed, they were levied upon that part of India which had exhibited the greatest loyalty during the late rebellion of our overgrown Bengal army, and which since then had shown the strongest signs of attachment to the Government. Be

that, however, as it might, Sir Charles Trevelyan, who when the taxes in question were projected had been engaged in a tour of inspection of his Presidency, immediately stopped short in his progress, returned to Madras, and penned that able Minute the publication of which was the cause of his recall. Now the House, he felt assured, would not, when they became thoroughly acquainted with the principles which were laid down in that document, and the manner in which Sir Charles Trevelyan therein considered the proposals of Mr. Wilson, fail to perceive that its author had displayed a very large knowledge of the subject with which he dealt, of the principles of taxation, and of the condition of the country; and that it was desirable the Legislative Council should have seen, and been able, if possible, to refute his arguments before they resorted to so heavy an increase of taxation as that which was contemplated. In his Minute Sir Charles Trevelyan contended that that increased taxation was unnecessary, that the military expenditure in India was far greater than was requisite; at the same time he declared that, after the experience of years, he looked to the simple method of cutting down her expenditure as the best mode of removing the financial difficulties by which India was beset. Entertaining those opinions, and believing that great danger would result from the contemplated increase of taxation, he felt that he could not do otherwise than place upon record his disapproval of a policy which he was unable to avert. He understood that the motive which had induced Sir Charles Trevelyan to make public his Minute was the fear that unless he did so he should be unable to stop this increased taxation. His friends in India remonstrated with him, and told him that he would offend the Government here: his reply was that his views were fixed, that he thought the proposed scheme would be ruinous; and he sacrificed himself for the good of India. Such were the heroic motives which had caused Sir Charles Trevelyan, to his own prejudice, to take the course which he had adopted; and when full information on the subject had been laid before the House they would, he was convinced, see that there were good grounds for entertaining the opinion that no additional taxation was required in India, and that its expenditure might very well be cut down to the amount at which it stood in 1857. He could not, under these circumstances, help regretting the hasty step in recalling Sir Charles Trevelyan which the right hon. Gentleman the Secretary for India had deemed it to be his duty to take. Let hon. Members for a moment call to mind who Sir Charles Trevelyan really was. It had been stated that he knew nothing of India; but those who made that statement must be ignorant of his career. He had lived in India among the last of those great men who had won for us an empire which we seemed determined to lose. He had, under the auspices of Lord William Bentinck, become familiar with the policy of that eminent statesman, one of whose main features was to avoid increasing taxation, and to cut down the expenditure to correspond with the income of the country. Sir Charles Trevelyan, having served his Sovereign in India for a period of nearly twenty years, and having earned for himself the friendship of its foremost men, returned to England, where, instead of enjoying a life of *otium cum dignitate*, he entered into the service of the Treasury, and did much towards the adoption of the system which had made our public accounts a model for the imitation of foreign nations. In that position he remained until the sagacious eye of the noble Lord opposite (Lord Stanley) marked him out for the Governorship of Madras—an act which was, perhaps, one of the brightest of the noble Lord's intelligent administration of Indian affairs. In his new capacity Sir Charles Trevelyan united with the most exact knowledge of details, views the profoundest and most comprehensive, and in one short year showed himself capable of mastering difficulties by which many statesmen had been perplexed, standing out in distinguished contrast to those by whom he had been preceded. This was the Gentleman the Secretary for India had thought proper to recall: these were the grounds on which he had done so. Sir Charles Trevelyan was opposed to the enormous military expenditure in India; his opinion was that they should make the expenditure and the income meet, and he believed that in two years it might be done. Sir Charles Trevelyan had been intimately acquainted with India for a quarter of a century, was a high authority in the Treasury at home, and master of its system of accounts; he had been in intimate communication with all the statesmen of the present generation; this was the man who said he could make the expenditure and revenue of India meet in two years. Was that a man to

recall? Why, the Government ought rather to send for him to Calcutta, to the fountain head of authority in India, and, if Mr. Wilson could not answer his arguments, let his plans be carried out. If increased taxation in India was not only unnecessary, but deeply prejudicial to their empire, there was reason to pause, and not decide on the instant, as the Secretary for India had done. He should have paused to hear what was doing in India, and give all who were equally interested in its government time to confer together on the differing views placed before them. The recall of the Governor of Madras bore out the views of the hon. Member for Birmingham, that the centralization of the Government of India was carried too far. He did not share the hon. Gentleman's extreme opinions on its decentralization, but no doubt some degree of it was necessary. The Secretary of India also approved of decentralizing the power of the Government to a certain extent. But the right hon. Gentleman only gave them a mass of words, never a single act. India could no longer bear this "hope deferred" that "made the heart sick;" they must have action; they must have decentralization immediately carried out, or what men of ability would they get to be minor Governors in India? There was the form, but not the substance of a Legislative Assembly; the Governors were tied so that they could not move hand or foot; and none but inferior men, willing to pocket their £12,000 a year without carrying into effect the plans they knew to be right, would accept such a post. These were the only men they would get under the present system; or if they did get able men they would be likely to kick over the traces. It was not Sir Charles Trevelyan who was to blame for this; the home system was imperfect, and the recent change had done nothing to remove the defects of the Government of India. But Sir Charles Trevelyan did not stand alone among the high officials in India in denouncing Mr. Wilson's Budget. If Sir Charles Trevelyan said he could govern the whole South of India without the troops the Government forced on him, why not let him do it? If he could do with £500,000 less than had before been considered necessary for the Government of Madras, and still pay a quota into the Imperial Treasury, common sense would say—let him do it. The public did not want to hear of the quarrels of officials; it did not care whether Sir Charles Trevelyan published his Minute prematurely or not. The question was, did it show a way out of the difficulties? Was it right or not? Did Indian stockholders and Indian railway shareholders wish to see the revenues of India spent on a large military force, or go into their own pockets as dividends and legitimate profits of enterprise? The people of England wished to see India well governed; they cared nothing for the red-tapist reasons for dismissing one of the best men the Government had had in India for a quarter of a century because he had—injudiciously, he thought—sent his Minute to the newspapers before the Secretary for India received it. But were the opinions it contained only those of Sir Charles Trevelyan? The Commander-in-Chief of the Forces fully agreed with him. Another gentleman, a thorough official, who had served thirty years in India, and now held the position of Member of the Council of Madras, in endorsing the Governor's Minute as to the danger of carrying out the views of the Central Government, said if an income tax was to be introduced into India it would be politically wise to try it first in the part of India that afforded the greatest facility for the experiment; they would thus avoid the danger of raising a flame of discontent throughout the whole of the Empire; he stated also that, unless they were content with such a military force as the Treasury could maintain, their difficulties would not cease. This was the opinion of one of the ablest civilians in India, Mr. Maltby. He supported the views of Sir Charles Trevelyan. He would ask, therefore, if it was true that Sir Charles had been recalled, and that his successor had been appointed? He understood he was to be Sir Henry Ward, the present Governor of Ceylon. If that were true, the Government intended to send another Colonial Governor to India. He warned the House that the last Colonial Governor sent to India was not a success. Though an able man, Lord Harris was not a success in India; he was an admirable man, but not fit for the post. A Colonial Governor must be an exceptional character if he succeeded in India; and now the right hon. Gentleman was going to send them another. When he before addressed the House on a similar subject he had compared the whole of the south of India to a hive of bees that the Government would not permit to make honey. They would have enriched the Government; by its absurd

management it seemed determined they should not do so. The system of Government had denuded the province even of silver spoons; the foolish and infamous system of the Government had reduced the whole of that unhappy country either to beggary or emigration. They had now got a man who had restored confidence to the people and increased the revenue by half a million. He had had the courage to do what Lord Harris had only written about. When Lord Harris was sent there his intentions were good; and he wrote the most admirable Minutes in the world on what ought to be done, but what, unfortunately, he never attempted to do; or, if he did, there was a feebleness in the attempt, to which the state of the Government of India proved a successful obstruction. It was the system of Indian centralization that prevented Lord Harris from carrying out his intentions. Now they had a gentleman with energy enough to break through its trammels, and do what ought to have been done by the Government at home. Here was a man of sufficient energy and powerful intellect to accomplish the undertaking and they refused to back him up! It was but seldom a citizen was found who had shown such distinguished talents as Sir Charles Trevelyan, and who to enormous experience of detail added such wide and comprehensive views; every year of such a man's life ought to be treasured up, and now in the fulness of his years—for he was of ripe age—his services, which were so precious to the State, ought not to be wasted in deference to any red-tapist notions of the Secretary of State for India. If it were true that he had been recalled and that the right hon. Gentleman was about to leave India, his memory would be treasured by those he left behind; and he would receive such a greeting from his friends in England, as would make him rejoice that he had only quitted Indian soil to return with still greater honours; for either in the capacity of Governor General, or Secretary of State for India, he would not fail to distinguish himself as highly as any of his predecessors.

SIR CHARLES WOOD: I certainly was not prepared by the notice of a simple Question as to whether Sir Charles Trevelyan has been recalled from the Governorship of Madras, for the earnest declamation of my hon. Friend, in which he has raised questions of very considerable importance. Through those questions I shall not attempt to follow him, because the recall of Sir Charles Trevelyan does not depend in any way in the opinion which he chose to profess—and professed most ably—but simply on the fact of his publishing that opinion most improperly, most unnecessarily, and as we think most dangerously for the welfare of India. While, however, I abstain on this occasion from going into any other question than the simple grounds of the recall of Sir Charles Trevelyan, it will be necessary for me to refer to one or two points which my hon. Friend has stated most inaccurately, and with great injustice, to a nobleman who lately occupied an important position in India. My hon. Friend says Lord Harris only issued Minutes for the reduction of the land tax, but effected no reductions; and that Sir Charles Trevelyan on going out accomplished in one year what his predecessors had for a long period failed in doing. Any Gentleman who hears me, I am sure, must see that Sir Charles Trevelyan, who only entered on the government of Madras for the first time a year ago, has not had time, and could not possibly have had time, to effect reductions of the land assessments. Those reductions were carried into effect years ago by Lord Harris, acting by my instructions; the results had shown themselves before Lord Harris quitted Madras, and the same good results have continued to manifest themselves during the rule of Sir Charles Trevelyan. I am not going to enter into an eulogium on Lord Harris, whose character as an able administrator was established by his Government of Trinidad, neither do I wish to say anything derogatory to Sir Charles Trevelyan; who is an old friend of mine; but I can not allow such accusations as those that have been made by the hon. Gentleman without any foundation to go forth uncontradicted. The hon. Gentleman talks now of the abominations of the moturpha tax, of the licence tax, and others of that description; but it is not a year ago since he himself recommended the more extended application of the moturpha tax, and upheld the very system which he now so strongly condemns. The hon. Gentleman having pointed out certain things which ought not to be done, recommended the House, on that occasion, "To have recourse to forms of taxation which would not offend the Oriental mind in Southern India," he said, "There was the moturpha, a collection of small taxes. No doubt some of those were bad ones, but there were some of them that were not. Again,

why not adopt a tax which has existed in every country in the world—namely, a poll tax?" When the hon. Gentleman now talks of a tax which ought not to be imposed because it presses on the population of India, what on earth am I to understand by his recommending a poll tax, which must reach and press on every man, woman, and child in the country? His views on taxation vary so strangely, and seem to be so very loose, that I really hope the House will not be led away by his eloquent declamation to adopt his statement as matter of authority.

MR. DANBY SEYMOUR explained, that his arguments had only been intended to apply to the house tax.

SIR CHARLES WOOD: I do not think this is the proper time for entering into any discussion on the merits of the scheme of taxation proposed for India; and I have already said that the grounds for recalling Sir Charles Trevelyan are quite independent of his opinion on the question of finance. But I shall certainly be surprised if the House does not agree with me that in the measure which Her Majesty's Government have taken with regret—and by no one with greater regret than myself for I have always entertained the greatest, the highest regard for Sir Charles Trevelyan—the grounds on which we have acted are such as to justify us in the opinion of the House and the country, and to free us from the reproach which has been cast upon us of having acted in the spirit of red-tapists. In order that the House may clearly understand the question, it will be requisite for me to give a few details. It may be remembered that the financial condition of India exhibited for last year a deficit of £13,000,000, and for the present year of £9,500,000. With a view to meet this deficiency, the Government of India last year proposed a licence tax, which was very soon modified into a *quasi* income tax and also a tax on tobacco. The Governors of the different provinces of India, including the Presidency of Madras, were all invited to send to the Government of India their opinions on the subject of taxation, and in the autumn Sir Charles Trevelyan stated broadly and distinctly the views which he entertained against the imposition of these taxes; and his opinion not only that no additional taxation was necessary, but that the expenditure might be reduced within the limits of the revenue. The hon. Member has asked why we do not do what Sir Charles Trevelyan recommends. There is a wonderful difference between saying and doing. Before the financial measures of the Government were proposed a return was called for of the estimated and actual military expenditure of the several Presidencies; and the military expenditure of Madras which had been reported to the central Government—who alone are responsible for the government of India—at less than £3,000,000, was found in December, when they received the reports of their own accountants, to have considerably exceeded the sum of £4,000,000, so that, instead of the reduction in the military Estimates of which my hon. Friend has spoken, there was an increase on the military expenditure in Madras of nearly £1,500,000. Those responsible for the financial arrangements of the Government must be guided rather by facts than by promises; and it is accordingly upon facts that their financial measures have been based. After full consideration, and having not only the opinions of all the best authorities in India before them, but knowing likewise the feeling of the Home Government, the Budget was introduced on the 18th of February in a very able statement by Mr. Wilson. And here I must beg to correct a misstatement of my hon. Friend, who is under the impression that the financial plans of the Indian Government were arranged with Mr. Wilson before he left this country. He is entirely mistaken in that supposition; and the mistake which I presume he has fallen into is this:—Before Mr. Wilson left this country, a plan was discussed and substantially arranged for introducing a paper currency; Mr. Wilson, the Governor of the Bank, and myself were the principal parties to that discussion, and it was agreed not only that a plan for establishing such a currency should be carried out, but the details were pretty well arranged before Mr. Wilson's departure. But on the subject of finance no arrangement of any kind took place; Mr. Wilson did not propose his scheme till he had been up the country and had communicated with the Commissioner of Oude, the Lieutenant Governor of the North-West Provinces, the Lieutenant Governor of the Punjab, and all the principal local authorities; and it received the full and entire concurrence of the Governor General, of every Member of the Council, and of all the principal officers. It was then introduced on the responsibility of the Supreme Government. It was introduced on the 18th of February, and was trans-

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mitted to Madras. On the 4th of March an open telegram was sent to Calcutta indicating the opinions of the Governor of Madras against the financial scheme, and asking for time. On the 9th of March a confidential letter was sent to Madras, stating the views of the Central Government and objecting to the use of an open telegram, on the ground that it was not right that communications between one Government and another on such a subject should be known to the public. On the 17th of March a letter was sent to the Central Government, acknowledging the receipt of that letter, and stating that though the Government of Madras saw no objection to an open telegram they had in consequence of the letter of the 9th sent a telegram in cipher. On the 21st of March a telegram was sent from Calcutta informing the Madras Government that a Bill would be introduced on the 24th of the month, and would be referred to a Committee, who probably would not report for five weeks from that time. From the 20th to the 26th of March the opinions of Sir Charles Trevelyan and the Members of his Council were recorded in Minutes, and the publication did not take place of course till after the 26th. I place these dates before the House to show that at the time Sir Charles Trevelyan's Minute was made and published he knew that in the opinion of the Government of India it was not for the public advantage to give these views to the world, and that he also knew that ample time would be afforded for any remonstrance which he might choose to address to them on the subject. I quite admit that the Minute of Sir Charles Trevelyan is a most able production. It contains forcible arguments against the views contained in Mr. Wilson's speech; and if it had been made on the other side of the House in answer to views expressed upon these benches, I do not know that a better answer could have been given than is contained in the Minute. But whether it is a document which ought to be published to the world is quite another matter. It was forwarded to the Supreme Government of India; it was sent to the Madras Member of the Legislative Council, who was desired to move that it should be printed. No doubt it would have formed a remarkable speech if made in the Legislative Council by the Madras Member; and if the majority of the Council had thought it prudent to publish the speech, it was in their discretion to have done so. The Madras Member of the Legislative Assembly is not a mere delegate, and, of course, is free to exercise his own discretion as to the course which he thinks best calculated to promote the interests of India. But Sir Charles Trevelyan published this Minute without the knowledge, without the concurrence, and, I am justified in saying, against the opinion of the other Civil Members of his Government. To their utter surprise, those Gentlemen saw his Minute and theirs in a public newspaper of Madras. At first it was supposed that the documents must have got into circulation through misconduct or negligence on the part of some of the clerks of the Council. Inquiry was instituted; no such misfeasance could be discovered; and, application having been made to the Private Secretary of Sir Charles Trevelyan, he admitted that he was responsible for the publication. In a recorded Minute Sir Charles Trevelyan most honourably avowed and justified his act. "I take the earliest opportunity of stating," he says, "that, acting upon my sole responsibility, I freely distributed copies of the Minutes of the Members of the Government upon Mr. Wilson's financial statement, with a view to secure for them the greatest publicity." The Supreme Government of India, as I have said, were in possession of the views of the Madras Government upon this portion of the financial scheme. That is also stated by Sir Charles Trevelyan in the same Minute. "All three taxes proposed by Mr. Wilson," he declares, "had previously formed the subject of correspondence with the Supreme Government, and we had made earnest representations against them." He had been told that ample time would be afforded him for making any remonstrance; and, no doubt, he was perfectly justified in remonstrating. Indeed, it was his duty to state his views to the Government of India for their consideration before they came to any final decision. But he went further, and took a step which in his position in any country, but above all in India, seems to me utterly indefensible. He appealed to the people of India against the measures of the Supreme Government. He avows this distinctly. "The key-stone of the budget," he says, "was English public opinion in India and in England." And again, "This mistaken state of public opinion had to be corrected in order to influence the budget, and I therefore accepted Mr. Wilson's challenge to public discussion, and disregarded the subsequent

injunction to secrecy." Mr. Wilson challenged the fullest public discussion in the Legislative Assembly; but he stated that he thought it undesirable that the Government of India should be engaged in public discussion with one of it subordinate Governments; and I confess I shall be surprised if my hon. Friend thinks it was a seemly act, or one calculated to maintain the authority of the Indian Government, or the character of any Government at all, that the Governor of Madras, the head of a subordinate Presidency, should invite opposition to the measures of the Supreme Government, and should constitute himself the leader of the Opposition. It would be impossible to maintain the authority of any Government if such conduct were allowed. I think of late years we have seen mischief enough from insubordination in India to induce us to prevent it from extending further, if it be possible to stop it. We have had a mutiny in the Native army, and of the Local European army; we now have the mutiny of one Government against another; and, much as I regret the person upon whom this decision falls, much as I regret the loss of Sir Charles Trevelyan's services, I think we should have been wanting in our duty if we had for one moment hesitated to take the most prompt notice of an act so insubordinate and so dangerous to our rule in India—if, in short, we had left Sir Charles Trevelyan in his position. To have sent him a severe reprimand, which no man of honour could have received without throwing up his office, would, I think, have been a shabby course. The responsibility rested upon us, and it seems to me that it was more just, and, in point of fact, more kind to Sir Charles Trevelyan, at once to recall him. The question was brought before the Government, and the Government decided that it was their painful but imperative duty to recall Sir Charles Trevelyan from the Government of Madras. It was necessary to support the authority of the Supreme Government, and no other course was open to us but to deprive Sir Charles Trevelyan of his office. I cannot sit down without saying that in much which my hon. Friend has said respecting Sir Charles Trevelyan's personal merits I entirely concur. He is a very old personal friend of mine. I have acted with him for many years in office; and I may say that in the course of a long public life I never had a more painful duty than that which I performed yesterday in recalling him. A more honest, zealous, upright, and independent public servant, I believe never existed. I gladly admit that he had many great qualities for the post which he was selected to fill; in many respects I believe he was doing exceedingly well for the Presidency, and I have no doubt that, if he could have abstained from a course so mischievous to the authority of the Indian Government he would have made a most able administrator. In recalling him, I have recorded the approbation of the Government as to the general course he has pursued during his tenure of office, and the loss of his services will, I am sure, be a public loss; but still greater danger would have ensued if a public servant in his position had been allowed to remain in office after taking a step so utterly subversive of all authority, and so likely to weaken our rule and excite insubordination and disaffection in India. These are the grounds on which we thought it our duty to recall Sir Charles Trevelyan. In doing so, I think it was equally our duty to take care that as little delay as possible should occur in providing a successor to him in the Government of Madras: it is not a state of things in which an interregnum is desirable; and therefore, last night's mail, which took out the recall of Sir Charles Trevelyan, also conveyed a commission to Sir Henry Ward as Governor of Madras. Sir Henry Ward has administered with great success the Government of Ceylon, between which and the Presidency of Madras there is an intimate connection. He has improved the Government and increased the revenue of Ceylon, and I do not think I could have found a more fit person to succeed Sir Charles Trevelyan at Madras.

It is desirable that hon. Gentlemen should know what I learnt by telegraph last night—namely, that upon receipt of this intelligence Lord Canning left Simla for Calcutta. The conduct of Sir Charles Trevelyan has of course greatly aggravated the difficulties of the Indian Government, and it is indispensable, therefore, at such a time that the Governor General should be on the spot to meet any emergency. I was very glad, therefore, to hear that Lord Canning had disregarded the personal inconvenience—I might almost say the danger—of travelling at this time of year, and that he left Simla on Monday last to resume his duties at Calcutta.

Mr. BRIGHT: I am not quite sure it is wise to take up the time of the House on an incidental discussion like this, when

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there are other matters to come before it; but possibly the strong interest I have taken in Indian affairs for many years, and the real importance of the question, will be a sufficient excuse for delaying the House for a few minutes. I think the question that has been introduced to the House by the hon. Member for Poole is of a somewhat painful character, and places the House in considerable difficulty. I quite understand the pain which must have been experienced by the right hon. Gentleman the Secretary for India in taking the step which he has felt it his duty to take. We should all view the question dispassionately, and I hope, if there be a discussion, that it will be conducted with the greatest moderation. The finance of India is a question of almost transcendent importance;—it is a question of greater importance than the House has hitherto been able to realize. The state of the finances of India is a state, I was going to say, of absolute chaos, utterly disreputable to the past Governments of India, and presenting great difficulties to every one engaged in the attempt to restore it to a sound condition. We have more than 1,000 civil servants in India, and we have frequently heard it said in the House that there is no service in the world which so abounds with able men as the civil service of India. I never gave a flat contradiction to that statement, though I never for one moment believed it. If we required any proof to show that there is no truth in it, it is furnished by the fact that the noble Lord the Member for Lynn (Lord Stanley) could not find anybody amongst the 1,000 able men in India who understood his multiplication table so far as to be able to conduct the finances of the country, and the present Secretary of State for India sent out Mr. Wilson to undertake that which no man in the civil service of India was found competent to undertake. I would be the very last person to say a word against Mr. Wilson in connection with this matter. I know no man better acquainted with matters of finance and taxation as they are found in this country, and I never have known a man possessing such capabilities for persistent laborious work as Mr. Wilson always exhibited in this country. I am sure he went out to India with the honest intention of devoting all the powers of his mind and body to effect the great object which the Government has committed to his care. The right hon. Gentleman, the Secretary for India, has characterized the speech of Mr. Wilson, in the Council at Calcutta, as an able performance. I have read it with attention, and have studied it with the greatest care; I also examined the details of his Budget, and have given such consideration as I am able to it. I do not deny the ability of it at all. I think there is a great deal of courage—approaching almost to rashness—in some of the propositions he has made; but I should be disposed to find fault with it, because it went on the principle of balancing the income and expenditure by increasing the income by the imposition of new taxes, instead of reducing the expenditure, which we all must feel is enormous, and which I believe most of us think is, to a considerable degree, unnecessary. I shall refer to one only of his propositions—that for the imposition of an income tax throughout all parts of India. So far as I can learn, the general opinion seems to be that that tax is not practicable, and that it will be impossible throughout the whole of India to levy that tax. I do not say that it will be impossible to levy it throughout Lower Bengal. That may be so or not; if it be so, the attempt to impose such an unusual tax on the whole population of India, without reference to the different conditions of different portions of that vast country, is a very perilous undertaking. I must not be understood as making any charge against Mr. Wilson, because I think a man sent out to India under the difficult circumstances in which he went there, having as it were to elicit order from chaos, should be judged with the utmost fairness; and no kind of prejudice or hostility should induce any one to look with an unfavourable eye on any one of his propositions. So much with regard to Mr. Wilson. Not long ago a Governor was sent out to Madras, after many years of previous experience of Indian affairs, and, judging from his former career in India and at home, probably no man could have been found in this kingdom more competent to go out as the Governor of an Indian Presidency, or whose appointment would be likely to do more credit to the judgment of the Secretary of State. During his short reign at Madras I believe Sir Charles Trevelyan has conducted his Government in a manner which has done more to heal the wounds that previously existed among its population, and to bring that population to regard the English rule with favourable feelings, than any Indian governor since the time of Lord

William Bentinck. He would seem to have been of opinion that the projects of Mr. Wilson and the Calcutta Government were not applicable to the whole of India; if he made any exception it would probably be of Lower Bengal; but as for the 30,000,000 of people whom he governs, he is distinctly and clearly of opinion that the proposition is not a wise one, and that it may be attended with consequences disastrous to the peace of the country. He says it is not necessary for the Government at Calcutta to raise new taxes in India, and he strongly recommends that the military expenditure should be reduced, chiefly by a large diminution of the Native army. The House knows that when the mutiny was afloat everybody who had paid attention to the subject said that all that mischief had arisen from our maintaining an enormous Native military force; but, although at that time there was a very penitent feeling in this House, throughout the country, and in the press, no sooner is the mutiny suppressed than we find the Native army growing to higher dimensions, and the patronage and expenditure connected with the establishment and maintenance of that army on a much larger scale, than at any former period. I can understand Sir Charles Trevelyan saying that any proposition to raise new taxes in India is a very dangerous experiment. We have heard of "the ignorant impatience of taxation" in this country; but in India it is an experiment a hundred times more perilous to introduce new descriptions of taxes, and to add to the already overburdened condition of the great bulk of the population. This is the simple case. Sir Charles Trevelyan believed—I may say what the conclusion is to which I have arrived—that the course about to be taken by the Government of Calcutta was a course full of danger to the peace of the country, and absolutely unnecessary for the purpose of restoring a balance in the finances of the empire; and he, with a courage and a determination which I greatly admire, wrote—I confine myself to the exact words I am using—a Minute which is a most able argument against the proposition of the Calcutta Government, and in favour of the other principle which is explained in that Minute. We have before us the two schemes—one of the Calcutta Government, and one of the Governor of Madras; and the question to-night is not whether the House shall uphold the one or the other; but judging from the course of the Calcutta Government and that of the Government of Madras, I hold that Sir Charles Trevelyan, in his views on this question, has shown himself to be much more of a statesman than those who have announced this new scheme in Calcutta. There is another question, which, after all, is the point, and that is the course which Sir Charles Trevelyan has taken in publishing this despatch. There are cases in which the publication of a despatch, although officially wrong and contrary to official etiquette, may still, after all, looking at the matter from a high point of view, be perfectly justifiable. The House will recollect that Lord Ellenborough, when in office as President of the India Board, wrote a despatch which obtained great celebrity, enouncing great principles, and written in powerful and unmistakeable language. He was blamed very much at the time for the course he took in permitting that despatch to be published, and the consequence of that blame was that he retired from the Government, and Lord Derby had no longer the benefit of his services. I approved that despatch, believing it, though it was condemned by some over-fastidious people, to be of great public advantage, though it might be open to the condemnation of those who think that an adherence to official etiquette is of more consequence than a great public service. In this case you have two bodies in opposition—the Government of Calcutta and the Governor of Madras. Sir Charles Trevelyan sees a great emergency, and he takes a step, I admit, altogether unofficial, in publishing this despatch; but I think I understand the feeling under which he acted, and see some excuse for his conduct. The Calcutta Government itself has served the Secretary of State for India very much in the same way. In a couple of years we have had two Secretaries of State for India who could not get an answer to a despatch from Calcutta. Sir Charles Trevelyan, acting with a similar spirit of independence, has shown that he was not bound absolutely by the orders of the superior Government at Calcutta. But I think the recall which the right hon. Gentleman (Sir C. Wood) states that he has now decided upon is not without justification. I have not risen for the purpose of blaming that course. I see all the difficulty, and, if you like, even the danger of the course which Sir Charles Trevelyan has taken—at the same time, I believe he has been actuated by this motive,—that he knew if he had sent the

despatch to Calcutta nothing more would have been heard of it; and that if he had sent it to the Secretary of State at home it would have been thought—I would not say a piece of impertinence—but I think it would not have had much weight as against the united opinion of the Government of Calcutta. Sir Charles Trevelyan believed the project of the Calcutta Government to be a perilous experiment, and he determined, at all hazards, to invoke what he could of the public opinion of India against it, although he knew that course of action on his part must result, as it has resulted, in his being recalled from the high office he has filled with such distinguished ability. I have some reason to believe—at least to suspect—that before the recall of Sir Charles Trevelyan reaches India he will have resigned his office. I believe he will see that the issuing of that Minute must be incompatible with the retention of his office. Holding these views, I am unable to join the hon. Member for Poole in any language of condemnation which he may have used with reference to the course taken by the Secretary of State for India. But still I am not sure that the right hon. Gentleman might not have taken some other course than that which he has taken; though no doubt he says that had he issued a reprimand it would have been more humiliating to Sir Charles Trevelyan than the fact of his recall. I am in this difficulty. I must say that I think there is no Governor in India at all to be compared with Sir Charles Trevelyan for the services he has performed to the Presidency under his control. I regret more than I can express that a state of things has arisen that justifies, if it does not render necessary, his recall; but I wish the right hon. Gentleman had been able to discover some other course than he has seen it his duty to take, and had retained Sir Charles Trevelyan for the service of India. But there is one other point which is really the question to which I desire to allude. There is a moral to be drawn from this event. The House, or at least some Members of it, will recollect that I have on several occasions addressed it at considerable length with regard to the Government of India, and urged the House to change the whole system of that Government—to abolish the supremacy of the Government at Calcutta, to separate India into several Presidencies, to give to each Governor of a Presidency equal rank with the rest, to put each in direct communication with the Secretary of State at home, and to give to each Presidency the enormous advantage of a direct power in its own Government to watch over, to protect, and to foster the prosperity of its own population. Admit, for the sake of argument, that the propositions of the Calcutta Government are possible in Lower Bengal; we have the authority of Sir Charles Trevelyan, and not his only, but that of those associated with him in the Government, that the propositions are not practicable, are even very perilous, in the Presidency of Madras. But yet, if you pass an Act in Calcutta, it spreads over the whole of India. Bengal, in which it may be possible, is included, and Madras, in which it may be, if not impossible, at least very perilous, cannot be excluded. I argue that this is a case which proves to the House—and ought to prove to the right hon. Gentleman on the Treasury bench—that it would be far better to have five or six separate Governments in India, and that the laws to be passed should be passed by each Government for each Presidency, with reference to its own condition and its own wants. I believe we should have an infinitely better Government under that system, partly national and partly municipal, than we can ever have with one unworkable Government in Calcutta, pretending to legislate for 150,000,000 of people, comprising not less than twenty nations, speaking twenty different languages, not one of which languages, probably, is accurately known to any single Member of that Government. I said before that I have not risen to say anything in blame towards the right hon. Gentleman the Secretary for India. I hope the time may come when the services of Sir Charles Trevelyan may again be employed in India. I am quite sure, from all I have heard through private sources, that his withdrawal from the Government will be felt as a positive calamity by the great body of the Natives of Madras—and that is just the state of things which we ought to cultivate—which every Governor ought to aim at; and, if it be possible, every Governor who has attained such a result ought to receive the support of the Home Government in every just and practicable way. I believe that although Sir Charles Trevelyan has not proved himself by what he has done to be a judicious subordinate, yet he has proved himself to be a wise Governor of Madras; and I only hope that in the measures which the Govern-

ment at Calcutta are prepared to carry out none of those calamities may follow that Sir Charles Trevelyan has anticipated. I ask the Secretary for India that he will study that Minute of Sir Charles Trevelyan's with great care; and, if he cannot adopt it, it may at least induce him to modify and greatly improve that project of legislation which is described to be so perilous, and which the Calcutta Government is about to establish all over India.

MR. BUXTON said, the House ought to know that it was not Sir Charles Trevelyan, but Mr. Wilson, who first published to the world the fact that Sir Charles Trevelyan disapproved his financial views. In a speech delivered in the Legislative Council at Calcutta, and which was published and circulated all over India, Mr. Wilson stated that men of high position in Madras were opposed to the financial scheme which he had announced. Of course, everybody knew that this could apply only to Sir Charles Trevelyan, and those associated with him in the Government, and it was natural that Sir Charles Trevelyan, after such an intimation, should have taken the liberty to express his own views in his own way. He rejoiced to hear the expression of regret for the recall of Sir Charles Trevelyan which had fallen from every speaker that night. He had in every respect shown himself to be a statesman, and had shown more energy, ability, and zeal in the public service than any official that had gone to India for the last twenty years.

SIR HARRY VERNEY said, he thought that the expressions of the hon. Member for Birmingham as regarded Sir Charles Trevelyan were perfectly just, and wished to know whether it was by the Indian Council in this country that Mr. Wilson's measures had been approved of and adopted. Formerly India, was represented in that House by Members of the Court of Directors; but the Members of the present Indian Council were prevented sitting in the House, and therefore they were now peculiarly called upon, and more than ever, to legislate for that country in a spirit of the utmost forbearance, and to try and ascertain the opinions of those who really represented the opinions of the people of India.

MR. LYGON said, that the question of the relations between colonial Governors and the home Government had now assumed a character of the deepest importance. This was not the first instance in which a Colonial Governor had been dealt with by the Government. In the course of the last year, Sir George Grey, the Governor of the Cape of Good Hope, had been recalled by the late Government for an undue exercise of his authority. The present Secretary of State, however, reinstated him, stating in his despatch that though they approved the grounds on which he had been recalled and that such a repudiation of the authority of the home Government in matters of general policy could never be tolerated, yet that the home Government were unwilling to interrupt the good work which he had begun in the colony in establishing amicable relations between the natives and the colonists, and that therefore they had determined on reinstating him. He (Mr. Lygon) was puzzled to find any distinction between the case of Sir George Grey, and that of Sir Charles Trevelyan, upon whom such high encomiums had been passed, and he could not understand why a different measure of justice should be meted out to the latter. If anything, the case against Sir George Grey was the strongest, because he acted in defiance of instructions from the Colonial Secretary; while all Sir Charles Trevelyan did was to record his dissent from the financial measures of the Calcutta Government in what was perhaps a too public manner. Supposing it to have been consistent with Imperial authority to restore Sir George Grey to his post, then Sir Charles Trevelyan must feel that a scanty measure of justice had been dealt out to him. Looking to the admirable manner in which Sir Charles Trevelyan had discharged his duties he thought that Her Majesty's Government had far better reconsider their decision; and he hoped that in future all relations between the Home and the Colonial Governments would be placed on an intelligible and satisfactory basis.

MR. VANSITTART said, he had carefully read Sir Charles Trevelyan's protest, and he could assure the House that no document could have been couched in more respectful terms. Sir Charles being responsible for the tranquillity and well-being of 30,000,000 of Her Majesty's subjects and anxious to govern them through their sympathies, and appreciating the loyalty of the Madras army and of the people, both he and his Council were very much alarmed at the tremendous taxes which Mr. Wilson proposed to impose. He did not attribute much importance to Sir

Charles publishing his protest in the Indian journals; but the protest had done a great deal to allay the excitement which had been caused among the Native population by Mr. Wilson's financial scheme. Sir Charles Trevelyan could not be accused of any disrespect or insubordination, because his protest was not directed against Her Majesty's Viceroy, Lord Canning, but was notoriously directed against that entirely ignorant body the Legislative Council of Calcutta; and they ought to be very much obliged to him for such practical and sound suggestions. Though he seldom agreed with anything that fell from the hon. Member for Birmingham, yet he certainly did agree with him on the present occasion that at the present moment the absence of Sir Charles Trevelyan would be a great calamity at Madras. He had dealt with the enam, or rent question, in a prompt and satisfactory manner. When he arrived there he found 350,000 claims which had never been looked into; and within six months afterwards he had made arrangements for the adjudication of those suits in a way agreeable and satisfactory, not only to the Government, but to the rent freeholders themselves. He also appointed a Commission to consider the advisability of uniting the Supreme and Suddur Courts. Comparing his energy with that of the Secretary of State for India he found that though twelve months had elapsed since the Royal Commission had reported upon the organization of the Indian army the right hon. Baronet had not yet made up his mind as to what he should do on the subject; nor had he made up his mind about the union of the Supreme and Suddur Courts. Under all the circumstances, he thought Sir Charles Trevelyan had been treated with undue severity and harshness—more than enough to curb his spirited devotion to the cause of his country, but which he trusted would not impair his future career.

SIR STAFFORD NORTHCOTE wished, as a personal friend of Sir Charles Trevelyan, and for other reasons, to say a few words on this subject. He did not wonder that an event of so much importance as the recall of the Governor of Madras, had provoked a question at the earliest opportunity; but for public reasons he regretted that the question had been brought forward on the Motion for the Adjournment of the House, and before any papers had been presented to the House, and in the absence of the late Secretary for India. It was hardly to be expected that such a discussion could have arisen, and those who felt a warm interest in the character of Sir Charles Trevelyan, could not but think that nothing said to-night ought to be allowed to prejudice him, before the House had the whole case before it, and was able to judge of its merits. In judging the conduct of public men, their individual characteristics must be taken into consideration; and those who knew Sir Charles Trevelyan, knew that he was not only a man of great energy and ability, but of a very warm and courageous character; and the House must be prepared to find, combined with the merits, the faults of such a character. The act to which reference had been made, was, no doubt, an unfortunate one, but as to how far it was blameable he suspended his judgment. At all events, it was consistent with that character which induced a man to sacrifice himself under all circumstances for what he considered the public good. Though he was far from saying, until he had an opportunity of seeing the papers, that the conduct of the Government, in recalling Sir Charles Trevelyan, was wrong; yet one could not help regretting that the matter had been put in such a way before the population of Madras, as to make it appear that their Governor was recalled for standing up for their interests. He thought that the House should, by and by, have an opportunity of discussing this matter, with all the papers before it.

COLONEL SYKES rose to express his very deep regret, in common with many others, at finding they were to be deprived of the services of a man of the ability and independence of character, and resolution in purpose of, Sir Charles Trevelyan, which characteristics were not common in India. Sir Charles, with chivalric devotion, had sacrificed himself to a conviction that the tranquillity of India at the present moment was at stake by a mode of taxation proposed by the Supreme Government of Calcutta, in which the Governor of Madras had had no part whatever. But this chivalric devotion was no new thing in India. At the battle of Satabuldee, near Nagpoor, a battery of the enemy was thinning the ranks of the brigade of Sepoys and a squadron of Native regular cavalry, commanded by Captain Fitzgerald. Captain Fitzgerald sent to the Brigadier to be allowed to charge the battery and the enemy's line. The disproportion of numbers was so great that the Brigadier would not allow the risk to be run. With his

men falling, the Captain again sent to the Brigadier, and the reply was "At his peril if he disobeys." "At my peril be it then," said Fitzgerald; and putting his squadron to the gallop, carried the guns, saved the brigade of infantry, and was made a C.B. for his successful disobedience! Nor would any Englishman forget Nelson at the battle of Copenhagen who *could* not see the signal of recall with his blind eye, and who was made a Peer for his successful disobedience! If he understood his right hon. Friend right, Sir Charles Trevelyan was challenged by Mr. Wilson as to the merits of the two systems, that of reduction without taxation, or that of keeping up those large establishments in India with taxation. Under these circumstances, how was Sir Charles Trevelyan to blame for coming forwar and saying "these are my convictions, let them be tested by the public as between us two." He trusted that, after discussion had taken place on this subject, they would find Sir Charles Trevelyan's character come out with that degree of *éclat* that should ensure to him the continuance of that respect which his distinguished services had hitherto associated with his name.

VISCOUNT PALMERSTON: I think the character of this discussion cannot be otherwise than satisfactory to Sir Charles Trevelyan and his best friends, because all who have spoken have borne testimony to his great merits and abilities, to the honesty and integrity of his mind, and to the firmness with which he performs what he considers his duty, regardless of any consequences that may arise to himself. I entirely concur in all those opinions. It is impossible for any man who has had the advantage of knowing him both personally and officially not to be deeply impressed with his merits as a public servant. But, at the same time, there are occasions when all personal considerations must yield to a sense of public duty on the part of those who are responsible for the conduct of public affairs. Certainly, the decision the Government has been compelled to come to was one of a very painful nature; because Sir Charles Trevelyan is a public servant who has discharged with eminent success important duties to his country, and whose continuance in this appointment would have been most desirable to the Government, and most advantageous, no doubt, to the public interests. But on the other hand, an act of insubordination and of the violation of official duties has been committed which is calculated to entail consequences of the most dangerous character to the interests of India, and I hold it would have been a breach of public duty on the part of the Government if we had not taken the steps that we have felt it to be our duty to adopt. There has been one great mutiny of the Sepoys; there has been dissatisfaction and discontent among a portion of the Native troops; there has been something like insurrection, or disturbances, at all events, in various parts of India; and yet here was a publication, made by an officer in a high and responsible situation, the tendency of which, from the very nature of the document itself, was to create the utmost dissatisfaction on the part of the Native population of India. I am not going to enter upon a comparison of the merits of the two systems—of Lord Canning and Mr. Wilson on the one hand, and of Sir Charles Trevelyan on the other. Sir Charles Trevelyan was perfectly right, if he entertained the opinion that the former's system of taxation would be productive of the most disastrous consequences to India, and would create the greatest dissatisfaction and discontent among the population of India, in stating that opinion in the strongest possible language and the utmost possible detail. It was his duty to explain all the disastrous consequences that in his opinion would follow the adoption of that system; but those explanations should have been addressed to the Governor General, to the Council at Calcutta, to my right hon. Friend and the Council of India here, to the Executive Government, with whom it rested to determine whether that system proposed should be adopted or not. But I hold that to make an appeal to the people of India—to tell the people of India that that system would lead them to revolt—was a course so disastrous in its consequences as to be subversive of the British authority in India. I say it was a step so extraordinary that I cannot bring myself to imagine how a man so versed as Sir Charles Trevelyan is in official duties, who has been so long a public servant, and therefore was so distinctly aware of the consequences of an act of that sort—I can hardly persuade myself how he could have brought himself to commit such a violation of duty as that act implied. The only explanation is that which has been given—namely, that Sir Charles Trevelyan, being honestly and strongly convinced of the correctness of his opinions, and being reckless of personal consequences, was so impressed

with the notion that to prevent by any means the execution of those plans would be a great advantage to the country that, as the hon. Member for Poole freely avowed, he voluntarily, and with his eyes open, sacrificed his official situation in order to accomplish what he thought a public good —although it was a course, as I think, calculated to produce the greatest possible public evil. I, as one of those who concurred in the decision, should have felt that I was shrinking from my public duty if I had not acquiesced in the recall of Sir Charles Trevelyan. Now, if that recall was to take place at all, it was important that it should take place at once. It has been suggested in the course of this discussion that the Government might have sent a reprimand to Sir Charles Trevelyan. But in order that this reprimand should have had any effect in counteracting the bad consequences of the publication, the reprimand must have been made as public in India as the offence of which it was a censure. And if that had been the case I would put it to any man whether, under such circumstances, Sir Charles Trevelyan, as a man of honour, could have continued to hold his situation if a severe reprimand, explaining especially the evils that his act was calculated to produce, had been published all over India, and his authority, therefore, entirely destroyed for any useful purpose. Painful as the decision was, it was one which I hold the Government had no option but to take; and though it was painful and undoubtedly conveyed a strong censure upon one public act of Sir Charles Trevelyan's, yet Sir Charles Trevelyan has merits too inherent in his character to be overclouded and overshadowed by this single act. And I concur with those who hope that Sir Charles Trevelyan may, in his future career, be useful to the public service, and do honour to himself as well as service to his country. I must pay a tribute of acknowledgment to the hon. Member for Birmingham for the temperate manner in which he addressed the House on this question. I must, however, also say, if my hon. Friend the Member for Poole will allow me to do so, that the speech of the hon. Member for Birmingham formed a very advantageous contrast to that which he (Mr. Danby Seymour) delivered. The hon. Gentleman on the opposite side (Mr. Lygon) attempted to draw a parallel between the case of Sir Charles Trevelyan and that of Sir George Grey. But the two cases are essentially and fundamentally different. What was the offence of Sir George Grey, and what was the offence of those gallant officers to whom my hon. and gallant Friend (Colonel Sykes) adverted? Their offence was disobedience of orders issued by a superior authority. The Secretary of State for the time being felt it his duty to recall Sir George Grey. But that disobedience of orders did not entail any danger to the colony under his command—it was, on the contrary, if I recollect aright, a measure of over energy for the defence of the colony. That was totally different from the conduct of Sir Charles Trevelyan, who, by the publication he had made, tended to disorganize, to disturb, and to distract the internal peace and security of India, and to endanger the authority of the Government in that vast and extensive part of Her Majesty's dominions. Therefore the two cases are wholly different. No one will think, on reflection, that Her Majesty's Government had any other course to pursue than to recall Sir Charles Trevelyan. On the other hand, I am quite sure that no one will impute to Sir Charles Trevelan anything but an exaggerated belief in his own opinions, and a recklessness of consequences which I feel was a great fault in a person occupying so responsible a situation, but a fault which, nevertheless, does not detract in any degree from those eminent qualities which every one who knows Sir Charles Trevelyan must acknowledge he possesses.

MR. LAING said, in answer to the Question put to him four hours ago by the hon. and learned Member for Sheffield, he believed that a short statement to the facts of the case would put the subject in a very different light before the House. In 1857 the British Consul at Aleppo received an intimation from our Ambassador at Constantinople that the Government contemplated making considerable purchases of horses, mules, and camels, in that district, and that officers were about to be despatched from England for that purpose. The Consul communicated with Mr. Spitz-Goldstein, and that gentleman made an arrangement with an agent to purchase a large number of horses, mules, and camels, on commission. Shortly after, the Government altered their views, and there was no necessity for any purchase. Mr. Goldstein then sent in a claim for £68,000 being the amount of his loss upon the purchase of from 8,000 to 10,000 horses, camels, and mules. The Consul

at Aleppo had no authority whatever to enter into any contract, and he had only informed Mr. Spitz-Goldstein of the intention of the Government, in order that that person might do something in the way of a private speculation for his own advantage. That was the state of things in the autumn of last year; and at that time, to use a phrase which had almost become classical on these occasions, "from certain information" which had reached the Treasury, it was resolved that a Commission, consisting of a Secretary of Legation and an Assistant-Commissary general, two highly respectable and competent gentlemen, should proceed to Aleppo to make inquiries into the case. The result of the investigation was to bring to light a more astounding transaction in the history of horse-dealing than had ever come to his (Mr. Laing's) knowledge. It was established on the most incontrovertible evidence that not a single animal out of the whole number had a real and *bona fide* existence. The manner in which that transaction was effected might be interesting to hon. Gentlemen who approved of the provisions of Sir John Barnard's Act. It appeared that there was a sort of Horse-Exchange in Aleppo, similar to the Stock Exchange of this country, with the sole difference that, whereas in the latter people speculated in what were technically known as "bulls and bears," in the former horses and camels were bought and sold; and the whole of the transaction now before the House was effected by the simple process of time bargains. From the Report of the Commissioners it would appear that Mr. Spitz-Goldstein's agent, for the purpose of establishing his principal's claim on Her Majesty's Government, effected a series of simulated purchases of horses, with persons in a low condition of life; that fictitious receipts and contracts were entered upon the register of the American Consulate, and legalized copies were furnished to Mr. Spitz-Goldstein, on payment of the usual fees. The evidence in support of this statement was very voluminous, and of a thoroughly unimpeachable character, and included that of the Consul of Aleppo, who said that no purchase could have been effected without his knowledge, that no such purchase was effected, and that the whole nature of his communications with Mr. Spitz-Goldstein had been to put him up to a good speculation, and not to enter into any contract. The Vice-Consul also said that no purchase was made, and candidly admitted having signed one of the documents lodged with the American Consul, being a receipt for £650, nominally for a commission of £1 per head for 650 animals, without any consideration whatever. The evidence of Mr. Walsh, one of the most respectable merchants in Aleppo, and of the Consuls at Antioch, and other places, corroborated those statements. Under these circumstances the proposal to refer the claim of Mr. Spitz-Goldstein to arbitration was perfectly out of the question. Her Majesty's Government would simply contest the claim, and if the parties by whom the transactions were attempted should come within the reach of British law, he believed an indictment for conspiracy to defraud would very soon bring the question to an issue.

With regard to the Question of the hon. Member for Dudley (Mr. Sheridan), he would say that the papers in reference to the Gas Act had been laid on the table of the House ten days ago, and would, he hoped, shortly be in the hon. Member's own hands. With respect to the models, he had merely to exonerate the officials of the Treasury from the blame imputed to them. The Act was not a Government measure, and was passed through the House without the knowledge of Ministers; but as it required a model to be deposited to measure a cubic foot of gas, the Treasury had referred to the Astronomer Royal, who had kindly given them his assistance, and the result was that a model was deposited within the three months required by the Act. The trade, however, was of opinion that although the model might have been constructed on the most scientific principle it was not practically what was required, and a great deal of discussion arose on the point. The result was that the Treasury, although of opinion that the Act had been fully complied with, thought it would be preferable to strain the letter of the law, and agree to have a model constructed according to the wishes of the trade. The work, however, had been found one of great difficulty and nicety, and though he had hoped that the new instrument would have been deposited in the Exchequer by the beginning of the present month, he had been disappointed. He believed, however, that it would be in its place by the first week in June.

MR. DEEDES thought it was the duty of the Government to watch every Bill to which the assent of the House was asked; and if the Government had paid the neces-

sary attention in this instance, he felt convinced that this particular measure would never have passed. He wished to state that in default of any other Member doing so, he himself should call the attention of the House to this act, and ask for leave to introduce a Bill to amend or repeal certain of its provisions which were found to be exceedingly objectionable.

Lord CLAUD HAMILTON complained of the general tenor of the remarks of the hon. Member for Wick (Mr. Laing), in reply to Mr. Roebuck, in which the hon. Member spoke disparagingly, and in an uncalled-for manner, of the honour, honesty, and social character of the Oriental nations.

PRACTICE OF THE HOUSE.
REPORT OF RESOLUTIONS FROM COMMITTEES OF WAYS AND MEANS.

Mr. BOUVERIE: Sir, I am anxious to draw attention to a question of considerable importance connected with the forms of the House which regulate the order of our business. I have observed with great surprise in the Votes that last night the House having gone into a Committee of Ways and Means, and certain Resolutions imposing licence duties upon refreshment-houses having been adopted by the Committee, those Resolutions were, contrary to the universal practice of the House, reported forthwith, and without the usual interval of at least a day. I cannot but conceive that this course of proceeding was taken entirely by inadvertence. I believe I am correct in stating that no precedent whatever can be found for the Report of Resolutions to the House immediately after their adoption in Committee of Ways and Means. I beg the House to observe this is not a mere matter of form; there is a great deal of substance in this as in many another form of the House. I must beg the House to observe that these Resolutions in Committee of Ways and Means are the first step taken towards the imposition of a tax, and we all know that in the case of certain taxes the moment the Resolutions imposing them are reported to the House the Revenue Department at once begins to make the levy. So that by reporting such Resolutions to the House forthwith—immediately upon their passing the Committee—no opportunity is afforded to the House, or to those hon. Members who were absent from the Committee—of reconsidering the matter, and finally determining whether it is expedient to levy a tax of the kind proposed. As I said before, I cannot help thinking that these Resolutions were so reported by mistake, and I hope the House will agree with me in holding that the respect which is due to our forms renders it necessary that in reference to the future we should revert to this proceeding and perhaps declare the Report null and void; so that it may appear on our Journals that this irregularity is not to be established as a precedent.

Mr. DISRAELI: Sir, I wish to make a few remarks on the subject to which the right hon. Gentleman has referred, and which is certainly one of the most important which can possibly engage the attention of the House. It is one of the gravest possible questions. It is unnecessary for me to dilate at all on the value of the forms of the House, which have been devised by the experience of our predecessors for the welfare of the public. It may sometimes be a question whether some of these forms may not be insisted on too closely, and whether they may not be unnecessarily multiplied; although I believe that all those in this House who are most experienced in the conduct of public affairs are of opinion that we should approach the revision of them with the utmost caution. But there is one point upon which it is impossible there can be two opinions, and that is, that when a question of taxation is concerned it is incumbent on the House to observe with the greatest nicety, and even reverence, the forms which have been devised to prevent any rash decision on a subject which may involve the most vital interests of the country. It always has been the rule in all questions of Supply and Ways and Means, where the House has come to a decision in Committee, that decision should not be reported on the same day. If there were no formal Standing Order to that effect, the spirit of all our Standing Orders goes to that effect; but we have among our Rules one which positively directs that "Any Report of Resolutions from the Committees of Supply and Ways and Means, is ordered to be received on a future day." I believe there is no precedent upon our Journals of a contrary course having been taken; and I think every Gentleman who has given any consideration to the subject will agree with me that a more prudent regulation was never adopted by this House. I recollect a case, if my memory does not deceive me, in which even the prorogation of Parliament

was postponed one day in order that a Resolution agreed to in Committee of Ways and Means that the Government were rather unexpectedly called upon to enter into should be duly reported. I was aware of the circumstance to which the right hon. Gentleman has referred, and it was my intention to have asked the House to consider it this evening; but in consequence of the interesting, though rather various nature of the business that has engaged us, I thought that on the whole it would be better to delay the matter till Monday, which was the first Government day after the thing complained of happened, when the Chancellor of the Exchequer should ask us again to go into Committee on the Wine Licences Bill. I should have been unwilling on that occasion to make any observations which might have conveyed any censure even by implication upon any Member of this House, whether on the Treasury bench or elsewhere, and the only reason why I should have brought forward this very grave subject would have been that the House should take steps to prevent the course which was followed last evening from being hereafter quoted against us as a precedent; because there probably might be circumstances in which, with such a precedent, public business might be hurried through in a manner which would have a very injurious effect upon even the public fortunes. But, as the right hon. Gentleman has brought forward the subject, it is impossible for me to pass it over in silence. I agree with him that it is not sufficient that the Government should express their opinion that the course taken last evening was an inadvertence, and should not be drawn into a precedent:—I think we ought to have some record of the opinion of the House itself upon the point, because an expression of opinion on the part of the Government, however satisfactory to us, would not at all influence our successors, and upon our Journals this very dangerous precedent would appear without any countervailing record. I think, moreover, that where there is no doubt that a mistake has been committed merely from inadvertence it is more suitable to the dignity of the House and more agreeable to all of us that the remedial course should be undertaken by the Government themselves. I do not at all wish to take the matter into my own hands, and I dare say the right hon. Gentleman who, with his knowledge of the forms of the House, has properly introduced the question is equally averse to undertaking it; but if the noble Lord, the leader of the House, would on Monday take some steps in the matter, I think it would be satisfactory to the House. I think that it should be recorded that the proceedings of last evening, so far as they relate to the Resolution adopted in Committee of Ways and Means, are null and void, and that care should be taken that in future such Resolutions should be duly and properly reported to the House.

MR. MASSEY, the Chairman of Committees of Ways and Means, said, if there was any irregularity in our proceedings last evening, I am bound to say that I am primarily responsible for it. It will be fresh in the recollection of the House that last evening there were on the paper two Orders of the Day, one preceding the other. The Order for a Committee of Ways and Means stood first, and in that Committee there appeared upon the paper a notice of the intention of the Chancellor of the Exchequer to move certain Resolutions imposing a duty upon wine licences. The next Order was the Wine Licences Bill. It was necessary, in order to pass that Bill through Committee, that the preliminary Resolutions imposing a duty upon wine licences should, in the first instance, be adopted in a Committee of Ways and Means. The Committee of Ways and Means sat, and the Resolutions, which were discussed at considerable length, were framed by the Committee after more than one division. After they were passed, and after I vacated the Chair, I asked the Chancellor of the Exchequer, as is the usual course, upon what day he proposed that the Resolutions should be reported. I do not at all wish to convey to the House that the right hon. Gentleman expressed a desire that the usage and practice of the House should be departed from; but I understood him to intimate that it would be convenient if the Resolutions could be promptly reported; in order that they might be inserted as clauses in the Wine Licences Bill, which stood next upon the list of Orders of the Day. I said—not having at the moment any opportunity of consulting the Journals or the authorities of the House—that upon principle, and with reference to the practice of the House in cases of emergency, I saw no objection to that course. I was aware that there was no Standing Order against it, and therefore I thought, if circumstances existed which rendered it desirable to depart from the ordinary practice of the

House, that the House was the master of its own proceedings. But at the same time I did say that the Motion was one which I could not make on the steps of the Speaker's chair in the usual manner, and that the Minister who desired to have it made should himself state his wish to the House, and I did intimate—not, I think, to the Chancellor of the Exchequer, but to my right hon. Friend the Chancellor of the Duchy of Lancaster—that in my opinion, if any hon. Gentleman objected to the course proposed to be taken, it should not be insisted upon. I considered that with that precaution there could be no objection to the immediate reporting of the Resolutions adopted in Committee of Ways and Means, with a view to their insertion as clauses in the Bill which stood as the next Order of the Day. It is not for me to say whether it is incumbent upon the House to suffer no departure whatever, under any circumstances which may arise, from its ordinary practice. My own private opinion is, that for the House to impose such a restriction upon itself would be to create an unnecessary impediment to the despatch of public business; and not having any opportunity of consulting the Journals or the authorities of the House, I certainly did, upon principle, and with regard to the practice in the case of ordinary Bills, which are sometimes passed through their several stages without the usual intervals, intimate my belief that if the House consented, upon the statement of the Chancellor of the Exchequer, to the prompt reporting of the Resolutions passed in the Committee of Ways and Means, there could be no objection to that course being taken. However, I am free to say that if I had had an opportunity of consulting the Journals, and if I had found that they were entirely destitute of precedents, I should not have advised such a step to be taken. But at the same time I trust the House will not assent to the extreme measure of declaring the proceedings of last evening null and void. They are not null and void; they are perfectly valid. In the absence of any Standing Order prescribing a particular mode of procedure, it is competent for the House to vary its own practice. Putting it as high as you please, this is merely a matter of practice. The practice of the House is departed from when a sufficient emergency arises; nay, the Standing Orders of the House themselves are suspended for the purpose of facilitating public business; and therefore to say that the proceedings of last evening are null and void is to make an assertion contrary to the rules and the practice of the House. They may have been inexpedient; the emergency may not have been sufficient; but, in the absence of any Standing Order bearing upon the point, it is not competent for the House to say that they are null and void. I contend, without fear of contradiction, that, however inexpedient it may have been for the House to depart from its ordinary practice in this particular instance, the prompt reporting of the Resolutions of the Committee of Ways and Means was perfectly regular and in accordance with our Standing Orders, and that the action taken upon that Report cannot be impeached. I am prepared to admit having had an opportunity of consulting the authorities of the House and of examining the Journals, though not very carefully, and not having found an instance of a similar departure from the ordinary practice of the House, that the course taken last evening should not be drawn into a precedent; but, at the same time, I confidently maintain that it is perfectly valid and cannot be impeached.

MR. CARDWELL: I do not propose to enter at present into any argument as to what ought to be done on a future occasion, because I think that should be deliberately considered by the House. But I rise to express, on the part of the Government, their concurrence with my hon. Friend who has just sat down, with the right hon. Gentleman the Member for Kilmarnock, and with the right hon. Gentleman the Member for Buckinghamshire, that adherence to the Orders and Rules of proceeding in all matters of Supply and Ways and Means is much to be desired, and ought very carefully to be observed. In the Book which contains the Rules and Orders of Proceeding, at page 94, I find it stated that any Report of Resolutions from Committee of Supply or Committee of Ways and Means is ordered to be received on a future day. Everybody is aware that that is not only the usual, but the uniform practice. My hon. Friend who has just sat down has correctly stated what occurred last evening. When the Committee was concluded, the Chancellor of the Exchequer was asked what day the Resolutions should be reported. A suggestion was passed down that if he thought proper it might be reported immediately. On the spur of the moment, feeling the

convenience of putting the clause in the Bill as soon as possible, he adopted that suggestion, but he called attention to the circumstance; so that there was no concealment. Therefore, at the moment, there was no practical inconvenience in the departure from the rule; but I quite agree that it is unfortunate there should be any departure from an established rule of that kind. Having so stated my opinion, the House will see that it is far from the desire of the Government that this departure should be drawn into a precedent or occur again. I am extremely sorry that this discussion should have arisen after my right hon. Friend the Chancellor of the Exchequer had left the House; but before he left I had a conversation with him, in which I expressed my own opinion with regard to the irregularity, and he stated to me he entirely agreed with me, and he would consider whether on Monday he should not take the course which the right hon. Gentleman opposite has suggested—namely, make a statement to the House on the subject at the commencement of business.

MR. SPEAKER:—I wish to address the House on the subject of the order of their proceedings last night, which has just been brought under discussion. There is no doubt whatever about the correctness of the statement made by the right hon. Gentleman of the force of the rule which he has mentioned, that no Resolution should be reported to the House on the same day that it has been passed in the Committee. I think that, whether our Standing Order actually extends to that point or not, there is no doubt that the practice and the spirit of the Standing Order does so extend, and ought to have the same force in our proceedings. When I returned to the House, after an absence of some time, the Chairman reported to me in the usual way that the Committee had come to certain Resolutions, and that it should be reported forthwith. I did not put the Question. I said to the Chairman "What can the Resolution be which should make it fitting to report it forthwith?" I was in fact discussing that point with the Chairman when the right hon. Gentleman the Chancellor of the Exchequer rose and moved that the Report should be received forthwith. I understood that the matter had been previously spoken of in the House, and I imagined that the House was aware what was to be done, and that it was done by general consent. I did not feel that it became me when a Resolution was proposed to the House to decline to put it. No observation was made, and no objection was raised, on either side. I put the Motion to the House that the Report should be received forthwith; and as it passed, the Report was accordingly received. But I must express my opinion that the course was irregular; and I think that it will be better for the general conduct of business that we should not pass by this irregularity with simple observation, but that on a future occasion and on the earliest occasion—I see no objection myself to this evening—it should be corrected.

MR. HENNESSY, referring to some observations which had been made by the Solicitor General at an earlier period of the evening, said that there was a case reported in 2 *Bingham*, page 13, which established the principle that it was illegal to raise loans in this country to carry on war against a sovereign who was in amity with England.

MR. SOTHERON ESTCOURT:—I am sure, Sir, that the whole House listened with great attention to the observations which you addressed to us with regard to the irregularity of our proceedings last night; and I took particular notice that, among other matters, you suggested that it was competent to us to amend that irregularity without further notice this evening.

SIR GEORGE GREY: Not until this Motion has been disposed of.

MR. SOTHERON ESTCOURT:—Quite true, and I am not about to conclude with any proposition; but after the highest authority in the House has suggested to us that an irregularity has been committed in our proceedings, and that it is competent to us without further notice to amend it to-night, I think that it is a duty incumbent upon those who lead the House not to allow it to separate this evening without the correction of that irregularity. The leader of the House and the Gentlemen around him will advise as to the mode of proceeding proper to be adopted, and will, no doubt, consult the highest authority in the House upon the subject; but I do think that, after such an intimation from the Chair, it would not be becoming for us to separate without the irregularity being corrected.

VISCOUNT PALMERSTON:—If the House will permit me, it will, perhaps, be better that I should make a single observa-

tion with regard to the irregularity committed last evening. I quite admit the propriety of your suggestion, Sir, that some proceeding should be adopted to mark that it was an irregularity, and to prevent any similar irregularity occurring in future. At the same time I think that in what we do no blame ought to be imputed to any persons who were parties to that irregularity, because no blame properly attaches to any of them. It was an inadvertence, and as such it ought to be treated. I think that the best course would be for the House to allow us till Monday to consider what will be the best course to adopt ; and I will undertake on that day to propose something that will attain the object which we have in view.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

ARMY (PENSIONS FOR WOUNDS).

ADDRESS MOVED.

COLONEL NORTH, in rising to move that an humble Address should be presented to Her Majesty, praying that she would be graciously pleased to reconsider the Warrant granting Pensions and Allowances to Officers of the Land forces, limited to Wounds and Injuries received in Action, disclaimed any intention of impugning the manner in which the Secretary of State for War had carried out the warrant; and said that his only object was to extend the powers of the right hon. Gentleman in regard to the granting of pensions to wounded officers. The warrant was dated the 13th of June, 1857, and contained eleven clauses. At that late hour he would only refer to two or three clauses, and particularize one or two cases bearing upon each. The first clause to which he would call attention was that which permitted the recommendation for a pension of an officer who had lost a limb or an eye, or had totally lost the use of a limb, or had sustained a severe injury in action equal to the loss of a limb. The officer whose case he would mention with reference to this clause served with that gallant band of heroes which was commanded by the late Sir Henry Havelock. At the outbreak of the mutiny in India he found himself in command of the light company of his regiment, and was sent to keep open the communication between Allahabad and Benares —a duty which he performed with the greatest success. When Mr. Moore, a magistrate of the district, was murdered, he proceeded with only forty men to the scene of the murder, defeated a body of 1,500 rebels, and destroyed the village. He afterwards escorted a battery of artillery a distance of 150 miles, and then joined the force under the command of Sir Henry Havelock, and assisted in the relief of the Residency of Lucknow, during which operation he prevented the rebels from carrying off a gun which they were most anxious to secure. In that service he was wounded in the elbow. It was a day or two before the wound could be attended to, and the amputation was at last performed in a house in Lucknow through which shot and shell were falling at the time. The operation was performed with an instrument so blunted by use that hospital gangrene ensued, and on his arrival in England he was obliged to undergo another amputation of the arm. Nor was that all, for after the greatest suffering, he had had within the last six weeks or two months to undergo the same operation for the third time. That officer—like the others he had alluded to—with a modesty that did him great honour, had requested that his name might not be made public. The commander of his regiment had recommended him to the favour of His Royal Highness the Commander-in-Chief as a young officer who had charge of the light company for a period of two years, and had commanded it in six actions, in each of which he had acquitted himself with a quickness and intelligence deserving of the highest praise. Wishing to obtain further compensation for having to undergo all the suffering incident to so protracted a cure, that officer made an application to the War Department. The answer he received from the Secretary of State was, that the pension awarded to officers sustaining injuries in action only commenced one year after the date of their wounds ; and that, as the applicant had had awarded to him the utmost amount to which he was eligible under the regulations in consideration of the wound he had received on the 25th of September, 1857, the Secretary of State for War was precluded from complying with his application. It must have been very painful for a man of his right hon. Friend's kindly feelings to write such a letter as that to so meritorious an officer. The next case he had to mention was that of a young officer who distinguished himself very much in the attack on the Redan, and was severely wounded on the 8th of September, 1855.

The wound was followed by partial paralysis, but he was able to rejoin his regiment in the following year. He was examined by a medical board at Gibraltar, who reported that his wound was equal to the loss of a limb, and he received a pension. He came home to England, and was again examined by a medical board, who reported that his wound was nearly, but not quite, equal to the loss of a limb. On that report his pension was taken away from him, and he was told that he must go on half-pay before he would be allowed a pension. But to go on half-pay would be to deprive himself of all prospect of professional advancement. He was at present the second captain in his regiment; if he were on half-pay, and supposing he ever got back again on full pay, he must go to the bottom of the list. The last case he would mention was that of an officer who was shot in the thigh at the battle of Inkermann. A medical board reported in his case that his wound was nearly equal to the loss of a limb; that his leg had been shortened four inches, and that he was incapacitated from performing the duties of an officer of infantry. He applied for a pension, and the answer he thought went far to prove that the notorious Shylock must at one time have been War Minister, and that the forms he instituted kept their place to the present day. The reply stated that Mr. Secretary Herbert was prepared to recommend him for a pension of £70 a year for two years, from the date of his retirement on half-pay, and on his expressing his willingness to refund six out of the eighteen months' gratuity he had already received. This, he thought, was Shylock's pound of flesh without the penalty of the one drop of blood. He could scarcely believe that this application had come under the notice of the Secretary of State, for, with his kind heart, he never could have directed such an answer to be written. It certainly never could be the desire of Parliament or the people that such bargains as this should be made with men who were ready at any moment to sacrifice their lives for their country. He had spoken to many officers on this subject, some of whom had themselves been wounded—the Duke of Richmond, for instance—who all agreed that the working of this warrant was most unjust. All he wished was that the Secretary of State should have the power of dealing with distressing cases, such as these he had quoted, and in order to secure responsibility, he would propose that all cases dealt with beyond the terms of the warrant should be entered on the Estimates every year, as in the case of officers receiving good-service pensions. The hon. and gallant Gentleman concluded by moving the Address.

MR. DEEDES seconded the Motion.

SIR CHARLES NAPIER said, it was time some specific regulations were made on this subject, both as regarded the army and navy. He read the regulations as to pensions with respect to the navy, from which, he said, it appeared Her Majesty reserved to herself the right of granting annual pensions; but it was provided that if there was a wound equal to the loss of a limb the party should receive a gratuity equal to one year's pay, and the expense of his cure. Upwards of a hundred years ago the Admiralty made an order that no officer whose wound was not equal to the loss of a limb should receive a pension. His was a case in point. He received a severe wound, and made application for a pension; but the answer he received was that his wound was not equal to the loss of a limb. The men were in a worse position than the officers. They did all they could to get men to enter into the navy; and was not one of the inducements to enter that if they got wounded they would be provided for? and yet there was no provision for that.

COLONEL DUNNE thought these warrants were not Acts of Parliament, and might easily be altered by the Secretary of State with the assent of the Commander-in-Chief. He hoped, therefore, the right hon. Gentleman would take the matter into consideration, with the view of framing a warrant better calculated to meet the justics of the case. He could multiply the instances of hardship, such as those that had been so well detailed by his hon. and gallant Friend in respect of officers; and the grievance was, if possible, worse in the pensioning of soldiers.

MR. SIDNEY HERBERT: It is extremely difficult in cases of this kind to oppose the feelings of generous men, after listening to descriptions of cases of great affliction endured by officers after long service; but I must put it to the House, and to the gallant Officer opposite, whether it is quite just and fair to bring forward cases of this description in the House of Commons before any notification has been made to the military authorities of the cases to be adduced, and the facts by which they are to be supported. We are

Colonel North

told that warrants are not Acts of Parliament; and that they can be altered by the Secretary of State and the Commander-in-Chief; but if I am to adopt proposals such as that now submitted in deference to the feeling of this House, what becomes of the authority of the Commander-in-Chief? He has not been consulted; his opinion has not been taken; and I, as a civilian, should have altered a regulation without going to the military authorities for their opinion at all. In all cases of this description you must have rules laid down by which those in authority are to be guided, and those rules must be founded on some intelligible principle. I take the case of the very gallant officer mentioned by my hon. and gallant Friend, and who underwent three amputations of his arm. He has done eminent service—his service is not to be rewarded by the amount of pension for wounds—pensions are not given in compensation for the suffering or amount of pain that may have been endured, but for the disability consequent on the loss of a limb, or equivalent to the loss of a limb. An officer cannot receive the pension unless he goes on half-pay, because the fact of his being on full pay shows that he is able to follow his profession. In this particular case the officer received, and most justly received, at the hands of the Commander-in-Chief promotion to a company in another regiment without purchase. The question is simply whether under the peculiar circumstances of the loss of a limb, aggravated in his instance by the increased personal suffering of three different amputations, you can apply a different principle to this particular case; not that I undervalue suffering, but the principle being that you compensate not for suffering, but for disability consequent upon suffering. The gallant Officer asks how I could make such a bargain, awarding two years' pension if the officer gave back six months' gratuity. I am bound while the warrant exists to act upon it. I have no power to depart from it. Either a year's gratuity may be given or, in an aggravated case, 18 months' gratuity; but, if that be followed by a pension, the gratuity must be confined to a year's gratuity, and six months of that gratuity must be refunded. The other case mentioned by the hon. and gallant Officer is one, I am ashamed to say, I am unacquainted with. But on the whole of this subject let me say that it is impossible for me, on a Motion made in this House, to give at once an opinion as to what should be done. I am bound to consult others—I am bound to let others have the full weight of their authority. I am against giving an unlimited authority or enlarged powers to an official in the situation I hold. I have no objection to take the responsibility of these decisions, but you will not find two Secretaries of State whose decisions are the same. I find in a particular case unlimited discretion given as to the giving of pensions to the widows of general officers. I am very much perplexed as to the amount of those pensions. I have tried to frame a rule that should be followed; but here is the result. I looked back to the decisions of several Secretaries of State, and find that they have never been guided by the same rule. One said, "Such and such a general officer's widow was born in a high rank in society; her requirements, therefore, are greater;" and she would be awarded a pension on a higher scale than another general officer's widow, who had not been so high-born. I have not acted on that rule. I thought the sole rule should be not the rank of the lady but the rank of the deceased husband — military, not social rank. There are numberless decisions, however, proceeding on exactly the contrary principle; and I also find pensions given to ladies without children larger than those given to widows with a numerous family to support. And what is the consequence? Why, nobody knows on what principle you act; one person is refused, and another in a similar position has her claims allowed—and such different treatment is imputed to partiality. It is dangerous then, I say, to give great discretionary powers without strict rules being laid down as to how the discretion should be exercised. There is undoubtedly a disposition to give all you can, but in dealing with a large department and a large profession that is impossible. I do not think large discretionary powers would work well; yet I quite admit that there are points in the warrant that might be improved. But as to what we should do, and to what extent we should go, I must consult others before forming or giving an opinion. I trust, after what I have said, the gallant Officer will not press the Motion to a division, or I shall be obliged, from the duty I owe to myself and the service, to resist it.

Mr. DEEDES said, that the Motion was merely for a recommendation of the reconsideration of a warrant which was the cause of cases being treated with undue

severity. As that was the only object, and as the right hon. Gentleman had admitted that the warrant was not perfect, he thought it would be better that the Motion should be withdrawn, and the matter left in the hands of the Government.

COLONEL DICKSON said, he could not agree with the recommendation of the hon. Gentleman, and he considered the explanation of the Secretary of War most unsatisfactory. A great deal of injustice was done by the present system. If, therefore, the hon. and gallant Member went to a division he should vote with him.

VISCOUNT PALMERSTON: I hope the hon. and gallant Gentleman will take the advice which has been given him by an hon. Gentleman on his own side of the House, and withdraw his Motion, resting satisfied with the assurance which he has received from my right hon. Friend near me, that he will communicate with the officers of those departments concerned in this question, and endeavour to find out whether the existing regulations may not be improved, in reference to the particular points under our notice. For my own part I confess that I should, even if this Motion were carried, feel very much at a loss how to act upon it, inasmuch as I was unable to understand from the hon. and gallant Gentleman what the special matters are in reference to which he wishes the existing state of things to be altered, and to what extent that alteration, if we agree to make it, should be carried. I myself have had some experience in this question, and I may state that when I was at the War Office I found it extremely difficult to frame regulations which should include every case which ought to be included, and to exclude those with respect to which allowances ought not to be made. The temper of the House itself, I may add, interposes no small obstacles in the way of dealing satisfactorily with the subject. At one time it is disposed to make the most liberal grants of every sort and kind, while at another time a different mood comes on, and it complains of the great expense which is incurred, and urges the Government to limit the amount laid out in the shape of grants and pensions. This has happened, for instance, in the case of pensions for wounds; for, when first the warrant with regard to them was established, the pension allowed increased with the promotion of the recipient, so that the pension granted to a lieutenant became augmented as he reached the ranks of captain or major. Subsequently the House relapsed into a more economical frame of mind; that regulation was altered, and the pension continued to be of the same amount as that which was originally conferred. The House will, I think, under these circumstances, perceive that it is hardly dealing fairly with a Government to make such alterations as are now proposed without specifying more particularly in what those alterations are actually to consist. I trust, therefore, that hon. Members will be disposed—seeing that they give my right hon. Friend credit for being anxious to adopt as far as possible the existing regulations to meet the claims preferred by officers in consequence of the wounds which they may receive—to look upon it as the wisest course to pursue to allow my right hon. Friend to take the matter into consideration in conjunction with the officers of the several Departments interested in the subject—receiving also any suggestions which the hon. and gallant General opposite might wish to make to him in private with all the attention which they deserve. That being done, my right hon. Friend would then on a future occasion be in a position to state to the House what, upon full consideration, and with a due regard to public economy, he would be able to effect in the matter. A more satisfactory result would, in my opinion, by that means be brought about than by the adoption of an Address which points to no specific objects.

COLONEL NORTH, in reply, said that when he brought the subject under the consideration of the House four years ago, a promise was made that the warrant should be reconsidered. As, however, nothing had since been effected in that direction, he felt it to be his duty to persevere in his Motion.

Resolved,

"That an humble address be presented to Her Majesty, praying that She will be graciously pleased to reconsider the Warrant granting Pensions and Allowances to Officers of the Land Forces, limited to Wounds and Injuries received in Action."

THAMES EMBANKMENT.

COMMITTEE.

SIR JOSEPH PAXTON proposed that —Sir Joseph Paxton, Lord John Manners, Mr. Cowper, Sir John Pakington, Mr. Alderman Cubitt, Sir John Shelley, Mr. Stirling, Mr. Tite, Lord Robert Montagu, Mr. Walter, Sir Morton Peto, Mr. Philipps,

Mr. Roupell, Mr. Yorke, and Mr. Beamish —be appointed Members of the said Committee.

LORD FERMOY thought the Metropolis was not fairly represented on the Committee, and moved that the name of Sir James Duke be substituted for that of Alderman Cubitt.

MR. SPEAKER said, the hon. Member could not suggest the insertion of another name on the Committee without due notice.

LORD FERMOY would move that the name of Alderman Cubitt be omitted.

MR. CONINGHAM thought it quite necessary that the Metropolis should be fully represented.

LORD CLAUD HAMILTON hoped that the name of Alderman Cubitt would be retained.

MR. CUBITT begged, on the part of his absent relative, to say that Alderman Cubitt was by no means disposed to encourage an unnecessary expenditure of the public money.

MR. BERNAL OSBORNE moved that the debate be now adjourned.

SIR JOSEPH PAXTON was astonished that any person should object to retaining the name of Alderman Cubitt on the Committee. If the advice of the noble Lord were taken, they would have eight Metropolitan Members on the Committee, and he should like to know what respect would be paid to a Report emanating from such a Committee?

MR. JOHN LOCKE complained that the inhabitants of London, upon whom it was plainly intimated that, if this plan for embanking the Thames were carried out, the expense would mainly fall, were by no means adequately represented, although the Committee was largely composed of contractors, engineers, and others, whose interest it was to promote expensive undertakings.

VISCOUNT PALMERSTON referred to the names of four or five Gentleman intimately connected with the Metropolis, for the purpose of showing that its claims had been very fully considered in the formation of the Committee. Considering that the functions of that Committee were only to inquire as to the practicability of the embankment, he did not think there were grounds for any serious opposition to its appointment.

MR. AYRTON said, it was perfectly understood that the Committee was only to be appointed for the amusement of its Members, and therefore the nomination of individual Members was of no consequence whatever. No practical results were to follow.

Motion by leave *withdrawn.*

Question put and *agreed to;* Power to send for persons, papers, and records. Five to be the quorum.

House adjourned at half after One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, May 14, 1860.

MINUTES.] PUBLIC BILLS.—1ª Fisheries (Scotland).

2ª Coln River Water Bill; Common Lodging Houses (Ireland).

3ª Offences against the Person; Larceny, &c.; Forgery Bill; Malicious Injuries to Property; Coinage Offences; Accessories and Abettors; Criminal Statutes Repeal; Exchequer Bills (£13,230,000); Customs.

ITALY.—EXPEDITION AGAINST NAPLES. QUESTION.

THE MARQUESS OF NORMANBY said, he had privately given notice to his noble Friend the Under-Secretary for Foreign Affairs of his intention to put a Question with respect to the unopposed departure from the port of Genoa of a certain armed expedition, which was notoriously of an offensive character, and was supposed to be destined for the Neapolitan shores. It was not his intention at present to say a word as to the policy of Her Majesty's Government; he merely wished to ask whether his noble Friend would lay upon the table of the House any despatches, either from Sir James Hudson or from our Consul at Genoa, giving an account of the manner in which the expedition was permitted to sail. He was quite ready to accept as conclusive what was stated by the Foreign Secretary in the other House of Parliament—namely, that Her Majesty's Government had distinctly remonstrated with the Government of Sardinia on this subject, declaring that any interference by way of support, or any complicity on the part of the Sardinian Government, would naturally lay them open to the suspicion of having acted in direct violation of international obligations. He merely asked the question for the sake of the information it might elicit, because if the intelligence re-

ceived this morning was confirmed it was notorious that the expedition had failed of exciting insurrection in the Neapolitan territories. Unfortunately, everything connected with Sicily exposed us to a most unjust prejudice in many parts of the Continent, and direct attacks had been made in foreign newspapers against Her Majesty's Consul at Genoa for assisting in the departure of the expedition. He (the Marquess of Normanby) knew the English Consul at the port, and felt sure that the rumour was unfounded; but it would conduce to the public convenience if the Government would lay upon the table any papers which had been received on this subject. His object was to take the surest and most complete mode of disproving the accusations which had been made against Her Majesty's diplomatic agents in that part of the world for acts of which he believed them to be perfectly incapable.

LORD WODEHOUSE said, that if his noble Friend would move for copies of or extracts from the despatches from our Consul at Genoa there would be no objection to produce them; but that no despatches had been received from Sir James Hudson on the subject. He need hardly say that there was no foundation for the rumour alluded to by his noble Friend. But his noble Friend seemed to think, from the statement of the Foreign Secretary the other evening, that a remonstrance had been addressed to the Sardinian Government respecting this very expedition. What had really taken place, however, and what the Foreign Secretary had stated, was that some months ago, when there was a rumour of a similar expedition, Her Majesty's Government had remonstrated with the Government of Sardinia on the subject.

THE MARQUESS OF NORMANBY said, he would at once move for the production of the papers. The noble Marquess then moved an Address for

Copies of or Extracts from any Despatches of Her Majesty's Consul at Genoa relating to the Departure of a Military and Naval Expedition from the Port of Genoa for the Dominions of the King of the Two Sicilies.

Motion *agreed to.*

CONTRACT GUNBOATS.

RETURN MOVED FOR.

THE EARL OF HARDWICKE moved for, Return of all the Vessels or Gunboats below 1,000 Tons Burden built by Contract since the Year 1852, with the Names and Residences of the Contractors of each Vessel; showing at the same Time the Year of their Construction, the Price contracted for, together with their present Condition as to Sea-worthiness. The noble Earl said he was induced to make this Motion in consequence of the reports which had been for some time current, and which were now thoroughly believed, that a number of the small vessels built within the last four or five years by contractors, under the sanction of the Crown, had turned out to be in such a decayed condition that they were not supposed to be fit for any service whatever until they had undergone a thorough repair. These rumours had naturally produced in the country a feeling of indignation; because it was felt that there was something, either on the part of the Government or on the part of the contractors, or perhaps on the part of both, owing to which a large sum of money had been lost to the country, and the hope and belief which had been entertained that the defences of the country were daily strengthening and improving had been at once destroyed. This was a matter for very grave consideration. He was bound to say that the present Government were not implicated in this matter, as the contracts were made before they came into office, and he had no doubt the noble Duke at the head of the Admiralty was as anxious as he was himself to remedy so great a grievance. The contractors, no doubt, undertook to perform that of which they had notice in the document called a "specification of work," which he had not moved for, but which would, if the present Return were granted, as it would be necessary in fairly judging of the state of the case; and he intended, on a future occasion, to move for it. From what had fallen from one of the Ministers in "another place," he understood it was well known to the Government that there was in the merchant builders' yard at the time the contracts were entered into no timber of good quality, but only such as was usually termed unseasoned, and only fit for temporary purposes. If it turned out that the contractors made the agreement with a clear engagement to perform the very best work at the very best prices, and that the specification contained those words which involved the very best description of construction, with the most expensive materials, and the best price, and if the Government were then aware that the timber was unfit for use, then he must say that, the Government were more in fault than the contractors: be-

cause, if it had been thought necessary to run up a number of vessels for temporary use, it would have been easy to draw up specifications which would have allowed of vessels being built for temporary purposes at a moderate cost. If, on the other hand, the contractors made an agreement, and stated that they were quite prepared to build ships with the best materials and the best work, then they were the parties to be censured. But with regard to the Government, he wanted to know where the responsibility rested, in order that he might lay his hand on the right person. He knew that the responsibility of the Government, as a general matter, was very attainable; that is, the Government was responsible, and if not acceptable to the country, would speedily cease to be a Government. He knew also that the Board of Admiralty was responsible for naval matters. Yet, as it happened in this case, there was not what was wanted, knowledge in combination with responsibility. There could be no real responsibility where there was no knowledge. While a civilian was at the head of the Admiralty, there was a difficulty in dealing with questions connected with management of the naval resources of the country. But in this case this did not apply, for he apprehended that the real party responsible was the Surveyor of the Navy. Now the Surveyor of the Navy, since it had been discovered that these boats had rotted, had changed his name, and become "Controller" of the Navy. What he (the Earl of Hardwicke) wanted to know was, whether the Controller was responsible for what had taken place? That functionary was bred a seaman, and was a highly respectable officer; and he was placed in the position of Surveyor of the Navy, for which situation a person should be selected who was brought up from his earliest life, as an apprentice in the building yard, to the use of the adze. But at present all the Surveyor could say was, that as he had not been educated to the business of a shipwright, he knew nothing of the details of construction, and could only refer to those under him in order to ascertain whether the work had been done agreeably to the specification. Formerly they had for Surveyors of the Navy responsible officers—men who had served their apprenticeship and gone through the various grades of the shipwright business. Those men looked to promotion to the Surveyorship of the Navy just as an eminent lawyer looked to becoming Lord Chancellor. Sir James Graham, in his wisdom, when First Lord, abolished the system, and appointed a gentleman who, however distinguished in other matters, was utterly incapable as a Surveyor. The powerful Whig jobbery of the day introduced Sir William Symonds as surveyor. He was an excellent officer and able man, but he was quite ignorant of shipbuilding, and in his new office proved quite a failure. He was succeeded by Sir Baldwin Walker, who was an able naval officer and an excellent administrator, but was no more fit for Surveyor than he (the Earl of Hardwicke) was. He knew nothing whatever of construction, he had never been educated to it; yet he was the only person whom the Admiralty had to make responsible for these vessels. It would not be difficult to find men who were thoroughly fitted for the office. He knew he might be told that there was a Board of Construction. He knew very well what a Board of Construction was, and what a Board of Admiralty was also. There was a First Lord of the Admiralty at the head of the one, and a Surveyor of the Navy at the head of the other, and neither of them had been educated to the profession which he had undertaken. Those men who were responsible had no professional knowledge, and those who had professional knowledge were irresponsible. The case of these gunboats was one of so flagrant a character, and it was important that the fullest information should be obtained on the subject, that he hoped the House would grant him these Returns. If they did, he would promise to follow the matter up with the view of bringing before them the exact state of facts with reference to the boats themselves, and also the responsible persons connected with these transactions. The subject would at any time have been an important one, but it was more especially so now when we were building by contract on so large a scale. No less than £1,000,000 was to be expended on four iron vessels for which a contract had been entered into. These vessels were to cost £250,000 each. Under these circumstances he was sure their Lordships would agree with him that it was their duty to do all that could be done in the way of precaution for the future. With regard to those gunboats which were the subject of his remarks, he was told that a few of them had been examined and found in a very decayed state, and that two or three were broken up; but from the information he had received—which he hoped might not be accurate—he was led to be-

lieve that the whole of them were more or less worthless. He was told that the whole sixteen which had been hauled up at the slip at Portsmouth were rotten, and that the condition of the remainder was such that those which were to be repaired would cost as much for repairs as the cost of their original construction. There was not only the question of unseasoned timber, but also that of the fastenings. Their Lordships had no doubt heard that in some cases there was no thorough fastening, but that while a bolt-head appeared at each side there was no union in the centre. This was even a more important matter to the seaman than the other. A seaman might not perhaps care so much about being obliged to be at sea for a few months in a vessel of which the timber was not sound; but what must be his feelings if he learned that he was aboard one which had not proper fastenings? He trusted their Lordships would grant him Returns which might be the means of bringing home to the proper parties acts which he could not designate by any other term than criminal. There was the more necessity for the supervision of Parliament, where they had rascally contractors on one side and an irresponsible Surveyor on the other.

THE DUKE OF SOMERSET: There can be no objection to give the information which the noble Earl desires, and which, indeed, has already been moved for and ordered in the other House of Parliament. One part of the information sought for in the Return would be difficult to obtain immediately—namely, the present state of all those boats with respect to sea-worthiness. We have at present no fewer than 162 gunboats, and to be able to give an account of their sea-worthiness we should be obliged to have them all brought into dock, stripped, and examined. That cannot be done with regard to the whole of them, as your Lordships will see when I state how they are distributed. There are 53, divided into three divisions in different ports, at home; at Haslar, 45; in commission at Pembroke and elsewhere, 8; in China, 24; North America, 3; Mediterranean, 3; South-east Coast of America, 2; connected with the Coastguard, 14; in course of construction, 10;—making a total of 162. When the present Board of Admiralty came into office we heard a great deal about the gunboats, particularly those at Haslar, and we thought it our duty to have them inspected. They were inspected, and certainly a considerable amount of decay was found in them.

The Earl of Hardwicke

I believe, indeed, their defective state had been discovered some months before, and at the time of our inspection workmen were already engaged in repairing them. More hands were put on, and during the whole of the summer there were 100 men employed. Of the 45 gunboats at Haslar 23 have been thoroughly repaired; 6 more are in hand; so that 29 are either repaired or in a state of progress. We have been told that it was a mistake to keep the gunboats out of the water; but some of those afloat are quite as much decayed at those at Haslar. The one class does not seem to be more exempt from decay than the other. With regard to those in commission we have heard no complaint. We have had gunboats constantly at work in China and with our Coastguard, and, as far as we know, they have been, and are, perfectly efficient. So that the matter is not quite so serious as some people suppose; nor is it correct to say that no reliance whatever can be placed upon any of the gunboats. I admit, however, that great blame rests somewhere for the mode in which many of these vessels were constructed. But we must look back to the circumstances which then existed. We commenced the Russian war with no gunboats. We were then engaged in repairing ships and replacing sailing by steam vessels. Your Lordships may be aware that in the private builders' yards there is at any moment but a small stock of timber, and therefore when this pressure arose the builders had great difficulty in obtaining timber. Under these circumstances the Government offered not only the contract price, but also a bonus for each gunboat that was completed within a certain time; so that the builders had the advantage not only of the contract, but also of the bonus. This however was not much to their profit, because the shipwrights in the Thames, being bound by no engagements, demanded an increase of wages; and this, combined with the rise of the price of timber, had been so seriously to the disadvantage of the contractors, that it is reported that some of them had been ruined by their contracts. As regards what took place in 1854-55 I speak quite independently; I am in no way responsible for what the Government did then; but I have inquired into what occurred, and I have been told that in many of these yards there were two inspectors—a chief inspector, and a leading man under him—to watch the progress of the work. They were, however, working day and

night; it was during the winter, in many cases snow was upon the ground; and thus under this pressure opportunities were offered to dishonest workmen to commit the fraud which has been referred to by cutting off the bolts. What makes that offence more flagrant is that the copper was supplied to the contractors in long lengths by the Admiralty to be cut up for bolts as it was required by the builders. So far as we have gone we have found only two or three vessels in which this iniquitous fraud has been committed, and I do not attribute it to the contractors, but to some of the workmen who may have been introduced into the yards under the pressure of the period. That question of the bolts was brought under the notice of the Admiralty only about two months ago, since which time I have instituted inquiries with a view to taking such legal proceedings as may raise the whole question, and, if possible, secure the punishment of the guilty parties. What the noble Earl said about the Surveyor of the Navy is not applicable to this case. At that time great exertions were being made in our dockyards to fit out vessels rapidly; there were a number of vessels to be built, and contracts and specifications to be drawn up, and the Surveyor of the Navy, as he was then called, could not himself visit the private yards and inspect the works which were going on there. He was much more usefully employed in overlooking the great works which were going on in our dockyards. All he could do was to employ the best men he could get as inspectors. With the advice and concurrence of the superintendents of the different yards he took the best leading men and workmen, and sent them to the different contractors' yards to inspect the work which was going on there. That I believe is the system which has always prevailed, and I know no better one which could be adopted. If you are building a house you must trust to the clerk of the works, and if he chooses to connect himself with the contractor and permit him to put in bad timber, you are quite helpless until you find it out some time afterwards. In the same manner, in the case of building a ship, if the man or men whom you appoint as inspectors enter into connivance with the builders—I do not say that that was the case in this instance—but, if they do, I do not see what resource you have or by what means you can protect yourselves. The noble Earl complains that the Surveyor of the Navy is not a practical shipwright. That question has been discussed over and over again. We have had shipbuilders as Surveyors of the Navy, and naval men have complained of them, that though they could build a ship they knew nothing about fitting it, and that the vessels which they constructed were not suited to go to sea. In the last arrangement which has been made the Admiralty took this course. They appointed a practical shipbuilder to attend to the construction of the vessel, a practical engineer to look after the machinery, and a naval man to act with them and to give them advice. So far as I can learn—although, of course, great improvements may still be made, and I think naval architecture is making very rapid progress—the ships which have been built under this system are very satisfactory. The Channel fleet has, as your Lordships are aware, been at sea in one or two gales, and it has been tried, although not very seriously, yet enough to enable naval officers to judge of the qualities of the ships of which it is composed. As soon as it arrived in port I wrote to the captain of each vessel, and asked him to tell me what he thought of her and of her behaviour while she had been under his command, and what, if any, improvements he could suggest in her build. Upon the whole, the Reports which I have received in reply are most satisfactory and do great credit to the builders of these vessels, because they show that they are very efficient ships and have, so far as they have been tried, behaved very well. Therefore, I think, in opposition to the view of the noble Earl, that the system which we have got is, upon the whole, a good system. The reason for changing the title of the Surveyor of the Navy to that of "Controller of the Navy" is to show that he is not actually a shipbuilder, but that he is to overlook the other two departments, and to bring the practical knowledge of a seaman to the technical information of the shipbuilder and the scientific information of the engineer, and by the combination of the three to give to naval men the assurance that they will have placed under their command the best ships that can be constructed. It is impossible that any of these officers should give to the dockyards the practical inspection which is necessary, and, therefore, I had intended to connect with the department of the Controller an officer who should visit the dockyards, see what is going on and communicate with the

Admiralty more readily than can be done under the existing system. The reason why I have yet made no such appointment is, that a Commission on Dockyards has been moved for in "another place," and I thought that it would be better and more respectful to Parliament to wait for its Report than at once to carry out my own idea. It has been said that many of these gunboats were constructed of green wood. That, however, is not the worst, for in many cases not only was the wood which was used green, but the sap was not properly removed from it. That was a much greater fault, because it was hardly to be expected that in private yards there should be a proper supply of seasoned timber; but the material which was used might in all cases have been properly prepared for use. In order to prevent similar occurrences in future, we have laid down a rule that when any builder applies to the Board of Admiralty for a contract for building ships, the Board shall send a person to visit his yard to see what stock of timber and what slip accommodation he has got. By watching carefully the quantity of timber they keep in store, and by giving the contracts to those builders who keep the largest quantity of suitable timber, the Admiralty hope to secure the use of proper materials in the construction of their vessels. The iron-coated vessels which are now being built are not vessels in which the question of seasoned timber materially enters; that used is chiefly foreign wood, and is used internally for strengthening the sides of the ship, and in no part is in contact with the water. With regard to the gunboats at Haslar, after consulting the other members of the Board, I am inclined to believe that vessels built some time ago, and which had not yet been launched, would be found now to be sound and well-seasoned. There were thirty or forty of those gunboats; and it was now intended to have them of a somewhat better class than those which we now possessed, so that they might be enabled to take a part in our colonial service, and save the expense of employing larger vessels. Reverting, however, to the quality of the timber used in the dockyards, I would remark that the foreign oak and teak, being brought from a distance, was all well seasoned, and the Admiralty were using that more and more every year. It was obvious that of English oak there was not a sufficient quantity in the market to meet the requirements of the dockyards, but for some purposes they were obliged to use it. Considering the rate at which they were building last year, it must be obvious that our stock of timber was limited in comparison with the demands upon it, and efforts were therefore being made to obtain timber from all parts of the world. Last year there were added to our efficient navy, by launching new vessels or by the conversion of sailing into steam vessels, 17 ships of the line, 9 frigates, 3 corvettes, and 7 sloops, which would form almost a fleet of themselves. If the Admiralty went on building at that rate, it would be impossible for them to obtain the quantity of well-seasoned timber that would be required. But as regards our present operations, we are putting vessels on the frames rather to season them than to launch them with the rapidity that we have lately done. My Lords, I know of no other point to which I need now advert. I have stated why we cannot give the information now asked for with respect to every gunboat, but only as to those of them that have been examined. But in the statement which will be produced the words "not examined" will be entered against those vessels which have not undergone inspection. One-half of the mortar-boats are built of iron. As to the wooden mortar-boats, we have not yet gone over the whole of them, and are not, therefore, able to state what is their condition.

THE MARQUESS OF TOWNSHEND deprecated the existing system, in conducting which no one appeared to be responsible. It was melancholy to think that men could be found who would, instead of driving copper bolts into the wood, put them into their pockets. If there was anything that could make a seaman tremble it would be a suspicion of the unseaworthy condition of his vessel, and that it was rotten and would not hold together. The inquiry should be gone into most thoroughly; and if the service was to be liable to these dreadful frauds it would be better that they should use the old trenails instead of copper bolts. As regarded unseasoned wood, they ought to have an adequate supply for our enormous navy, and if oak could not be had in sufficient quantities, supplies of teak—which was a good heavy wood—could be obtained. Something, however, must be done to prevent a recurrence of what had taken place, and somebody must be made responsible.

THE EARL OF SHREWSBURY AND TALBOT made a few remarks, which were inaudible.

THE DUKE OF SOMERSET said, there

was a Board of Construction in former years, but it did not exist now. The members of the Board of Admiralty used to take part in the construction of ships; but that system was not found at all to work well, and it was then determined to make the Surveyor responsible for giving advice in such matters. At present, when the Board thought more line-of-battle ships or other vessels were required, they sent to the Surveyor, who called in the practical men under him to prepare the lines; and then his advice, together with the plans, was submitted for the approval of the Board.

Motion *agreed to;* Returns *ordered.*

ROAD THROUGH HYDE PARK.

PETITION.

THE EARL OF DUCIE *presented* a Petition praying that Measures may speedily be taken for establishing a Means of Communication between the Districts lying to the North and South of Hyde Park. The noble Earl said that although the subject was of considerable importance, he felt he should be hardly justified in bringing it before their Lordships were it not that unless the subject were laid before Parliament it would not receive the attention it deserved. The grievance of which the petitioners complained was, that the Park, from Park Lane on the east and Kensington Church on the west, lay like a barrier to any communication between the north and the south, except during the hours of daylight. It was not the first time that the question had been brought before Parliament, for in 1855 a Committee of the other House sat on Metropolitan communications, and reported favourably on the plan, placing it in the first class of Metropolitan communications which they recommended for adoption. Mr. Pennethorne, the architect, who gave evidence before the Committee, said that Hyde Park presented an impassable barrier between two important districts and enormous populations. And now, in view of the great increase that had taken place in the traffic on both sides of the Park, both north and south—in view of the establishment of the new Horticultural Museum, the Great Exhibition of 1862, and the daily increasing popularity of the South Kensington Museum—the improvement became still more imperative. The petitioners specially abstained from suggesting any particular plan, regarding that function as one properly belonging to the Governmental Department, which had charge of such matters. They were anxious, however, that, whatever was done, the sanctity of Rotten-row should be preserved, and that nothing should be done to interfere with that ride. Every plan that he had yet heard suggested included a tunnel under Rotten-row. It was, moreover, not desirable to make a public road in too close vicinity to Kensington Gardens.

LORD EBURY thought something must be done soon to improve the communication throughout the Metropolis, or the transit of traffic would become impossible. He was a Member of the Committee to which the noble Earl had alluded on Metropolitan communications. Various plans were produced before them to make a communication from the north to the south of Hyde Park, which were perfectly feasible, without interfering with the road to which the noble Earl alluded. At the same time, he must say there was another communication quite as necessary through St. James's Park, so as to relieve the traffic by Charing Cross to Westminster Bridge. Lord Llanover, when at the head of the Board of Works, projected a road through the Park, which, if it had been adopted, would have obviated the difficulty. It might be carried into effect without interfering with the Gardens, and would greatly relieve the traffic, the extent of which it was almost impossible to exaggerate. Looking at the map, he must say the road through Hyde Park had become absolutely necessary; and he hoped the Board of Works would lose no time in carrying out the recommendation of the Committee of 1855.

LORD LLANOVER said, that during the time he held the office of First Commissioner of Works, he necessarily gave great attention to the subject of the thoroughfares of the Metropolis, and he found that there was scarcely a main street that had a thoroughfare capable of allowing the constantly increasing traffic to pass without impediment. But though that inconvenience existed and though it was most desirable that it should be obviated, still as Member for one of the Metropolitan boroughs, he had become aware of the great difficulties in the way of effecting any material improvement; and for this reason—the other House had declared that they would not grant money for Metropolitan improvements, and that any funds required for that purpose must be raised by means of local taxes levied on the Metropolis. Now, he thought, that would be a very fair prin-

ciple if the Metropolis were on the same footing with the other large cities and towns of the kingdom. But the Metropolis was an exceptional case. In almost every other city in the empire there were some collateral advantages that accrued to the municipality of the particular city or borough; they had the power of raising rates by taxes on coal and other articles brought into their towns or ports. It was true that the same power existed in the Metropolis; but there was very small portion of it—the City—that alone had the power of levying these taxes, and having that power the civic authorities expended the large sums of money arising therefrom over the comparatively small area which constituted the City. Therefore, when any great improvement was to be made outside the City it was necessary to provide the funds by a local rate. There had been a great desire for many years to improve the southern end of Park Lane, but their Lordships would be surprised when he told them that to carry out that improvement—to take down the houses from Piccadilly to a house opposite Holderness House—would require nearly £100,000. Now, it was impossible to levy such a sum as this by local rates; and his opinion had long been, and still was, that when any reform of the Corporation of London took place it was absolutely necessary that the taxes now levied by the Corporation in the shape of coal and corn duties and other taxes should be expended for the benefit of the whole Metropolis, and not for the City alone. A Bill had been introduced into the other House of Parliament for the reform of the Corporation of London, but he was not aware that it touched on the coal and corn dues levied by the Corporation. He hoped, however, that when it came up to their Lordships' House the suggestion he now made would not be forgotten by their Lordships. He was quite sure that if the large funds possessed by the Corporation—he did not speak of their private property, but of their power of taxation—were placed in the hands of some authority for the general benefit of the Metropolis and the public, the improvements becoming more urgently required from day to day might be speedily accomplished without any material addition to the local rates.

THE EARL OF POWIS said, that if we had to wait until a new Board were constituted to administer the coal duties before we could have a communication from north to south through Hyde Park, he was afraid we should have to wait a very long time. But as he understood, the present question related not so much to Metropolitan communication generally as to the best mode of carrying out an improved communication through one of the Royal Parks. When certain improvements were carried out in the neighbourhood of Kensington Palace, he thought the proposed improvement might have been effected had the road been made less of a private road, and with a little more expenditure of money.

Petition to lie on the Table.

SELLING AND HAWKING GOODS ON SUNDAY BILL.

COMMITTEE (ON RE-COMMITMENT.)

Order for going into Committee (on Recommitment) read.

LORD TEYNHAM implored their Lordships not to proceed with this cruel Bill, especially as, in his opinion, the existing law was sufficient for all proper purposes. Their Lordships should wait, and see how far public and private efforts could succeed in putting down needless Sunday trading, before they extended the stringency of the Act now in force. He held in his hand a petition from a person residing in Bricklane, St. Luke's, which stated that this Bill contained many anomalous and inconsistent provisions, which if carried into effect would operate with great hardship and oppression upon thousands of small shopkeepers, and was likely to cause great dissatisfaction. He would also call their Lordships' attention to some evidence which had been taken upon this subject before the Committee of their Lordships' House on Sunday Trading in 1850. Mr. Pearson, the City Solictor, who had been examined stated that he was associated with some gentlemen who earnestly desired to get rid of the abuse of Sunday trading, but they found that they could not enforce the law of Charles II. because their hearts gave way in consequence of the amount of misery consequent upon the levying of fines. He recommended that they should not apply for an Act, nor try to bring the cases within the existing law, but that they should set about discouraging Sunday trading in other ways. He stated that Bartholomew fair had been put down not by an Act of Parliament but by the Lord Mayor and other civic authorities discouraging it. The witness stated that by a report which he presented to the Corporation, he induced the Lord Mayor not to go in state to open the fair, and not to let ground for booths, wild-beast shows, and other exhibitions,

and that when he (witness) went there in 1850 there were scarcely more persons congregated than on ordinary days. Sir Richard Mayne, the Commissioner of Police, who was also examined before their Lordships' Committee said that Sunday trading in the Metropolis was decreasing, and in some of the poorest districts, and this he attributed to the increasing morality of the people. He also said that the working classes had associated themselves together for the purpose of inducing their employers to pay their wages on Friday, or at an earlier hour on Saturday, and that in some instances they had accomplished that object; and he thought it would be better to postpone legislation until the success of these and similar efforts had been fully ascertained. The witness further added that there were many poor persons who did not know on Sunday morning what they would be able to get to eat on Sunday night, and that it would be manifestly hard upon them, in the event of their getting money for food, to prevent their purchasing it because it was Sunday. Looking to the great improvement which had taken place, it would be better, the same officer added, to leave the stricter observance of the day solely to the influence of public feeling, believing that compulsion was more likely to aggravate the evil. The annual report of the London City Mission stated that a considerable number of persons had been persuaded to keep their shops closed on Sunday. He (Lord Teynham), in conclusion, expressed his own conviction that if proper efforts were made a great deal of the unnecessary Sunday trading would cease, but that this result should be brought about by voluntary means, and not by the high hand of the law.

LORD CHELMSFORD said, that on a former occasion the principle of the Bill was fully discussed, and upon a division, at the instance of the noble Lord, was adopted by a majority. Under these circumstances, he felt he ought to do no more on the present occasion than move that the House should resolve itself into Committee.

House in Committee.

Clause 1 (Penalties for selling, offering, or exposing for Sale).

On the suggestion of Lord PORTMAN the clause was altered so as to render the offender liable to conviction "before a police magistrate or any two justices of the peace."

LORD TEYNHAM objected to the clause on several grounds. The noble and learned Lord appeared to have but an imperfect knowledge of his own Bill. The clause permitted the sale of fish, meat, fruit, and poultry on Sundays under certain restrictions; but it did not permit the sale of vegetables at all. Now, if the Bill omitted from its list of exceptions any article which was material for supplying the necessities of the people on Sunday the want of such article must be endured by them until Parliament met again. There were hundreds of thousands of horses and cows kept in an unnatural state in London, and those animals wanted great attention; but to sell any article of food necessary for these animals on a Sunday would be criminal under this Bill. Another objection was that the Bill was confined to the Metropolitan districts, the City of London, and the liberties thereof; whilst they had evidence that this objectionable trading was carried on in Liverpool, Birmingham, and other places. He believed that it was a sound principle of legislation that, as far as possible, they should legislate for the whole country, and not pass a law for this or that town, when the facts were exactly the same in other places. This objection was more particularly forcible when the matter in hand was connected with the law of God; for then it was essential that the people should not be told that it was wrong to buy vegetables in London on Sunday, but that it was not wrong to do the same thing in Liverpool or Birmingham. There was one further objection to the clause; and that was the fine was to be any sum not exceeding 20*s*., nor less than 5*s*. He would remind their Lordships that in the Report to the other House of Parliament it appeared that out of four cases adjudicated on at Southampton it was necessary in two of them to levy distress warrants to enforce 5*s*. penalties. The clause would bear upon the poorest of the poor in London, and in nine cases out of ten of fines it would be necessary to issue distress warrants to seize the humble goods of these people. On these grounds he would, with all his heart, say "not content" to this clause.

LORD CHELMSFORD thought the noble Lord had hardly dealt fairly with him, for he seemed to attribute to him a desire to oppress the poor trader. He (Lord Chelmsford) had endeavoured to explain to their Lordships when he moved the second reading that it was a Bill, not of restraint and oppression, but a Bill of liberty, enabling persons who were compelled to trade on Sunday contrary to their inclinations to have the opportunity of observing that day

properly, by compelling their neighbours to refrain from trading on that day — a course which was no more than they ought to adopt without any compulsion of law. It had not escaped his mind that it might be wrong not to except vegetables; but the answer made to him was that if he did give way in reference to that exception the grocers would require a similar exception in their favour. The noble Lord had not experienced the difficulty that there was in dealing with the various interests to be affected by the Bill. The noble Lord complained that this Bill applied only to the Metropolis. But he could state that in all the great towns, with the exception of Birmingham, there was no Sunday trading to any extent, as the Act of Charles II. was found quite sufficient in other places to suppress it. Sunday trading therefore being mainly confined to the Metropolis, which thus offered a bad example to the provincial cities, that was a reason why legislation should, at first at all events, be confined to the district where the evil was most rife and a remedy most demanded. He hoped no heat or animosity would be engendered by a Bill which he had introduced with no other view than to relieve the thousands of tradesmen, who had petitioned in its favour, and which would enable them to employ their Sundays in a way consonant with their wishes. If it were the pleasure of the Committee he should not have the least objection to except vegetables from the operation of the Act; but he had been informed that if he did so it would give rise to other claims for exemption.

EARL GRANVILLE could not understand why the Metropolis should be subjected to two different, and not always consistent laws on Sunday trading, while all the rest of the country was only under one law. He was also at a loss to understand how it happened that the Act of Charles II. was not sufficient to put down Sunday trading in London, while it was found quite sufficient in all the rest of England.

LORD CHELMSFORD said, a noble and learned Lord behind him had suggested a Clause to Repeal the Act of Charles II., so far as the Metropolis was concerned. With regard to Birmingham, he was happy to state, on the authority of a magistrate there, that the number of shops opened on Sunday in that town had been reduced from 400 or 500 shops to not more than forty. This was done under the provisions of Charles II.'s Act; but it was obvious that this Act could be more easily enforced in provincial towns than in large and populous towns like the Metropolis, where the traders defied the law.

LORD TEYNHAM observed that, considering the number of people who in London derived a livelihood from selling and hawking on Sundays, there would, in certain poor localities, be not a house, and hardly a room, in which there would not be a distress warrant for the recovery of penalties inflicted by this Act.

THE EARL OF ST. GERMANS was at a loss to know how the same reformation could not be wrought in London, as there appeared to have been wrought in Birmingham, and which appeared to be due either to a strict enforcement of Charles II.'s Act, or to the force of public opinion.

LORD CHELMSFORD said, that public opinion had, no doubt, operated in certain provincial towns to check Sunday trading; but in London no public opinion on the subject existed.

Clause *agreed to.*

Clause 2 (Penalties for delivering Meat, Fish, and Poultry).

THE DUKE OF SOMERSET said, there was an inconsistency in this clause, when referred to the Clause of Exceptions. It appeared that a Christian could not buy meat after 9 o'clock on Sunday morning, while a Jew was allowed to buy it up to 10 o'clock. He wanted an explanation of the difference of this treatment between Jews and Christians.

LORD CHELMSFORD said, the explanation was very simple. The Jews used only that meat that was killed by persons of their own persuasion. As those persons could not kill the meat on their Sabbath, and as the Jews who bought it lived, many of them, in quite a different part of the town from those who sold it, representations had been made to him, by most respectable persons of the Jewish persuasion, that if the time for buying the meat was restricted to 9 o'clock in the morning, it would be simply impossible for them to buy it at all. They had suggested that the time should be extended to 11 o'clock; but he thought that was too late; and, as a compromise, he proposed 10 o'clock.

THE DUKE OF SOMERSET said, it appeared, then, that more consideration was shown to the convenience of the rich Jew than to the poor Christian. The hour was extended to suit the Jew; but a working man who had but one room for all pur-

poses, must either buy his meat on the Saturday night, and keep it all night in his one hot and crowded room, among the tools he worked with, and the rags he wore; or he must rise at an early hour on the Sunday morning, and buy it before 9 in the morning, or they must go without food for the day. Besides, it appeared that a gentleman was allowed to buy a newspaper up to 10 o'clock; why should a poor man be forced to buy his meat before 9? Surely a rich man could want his newspaper better than the poor man could want his dinner? He thought this was an unfortunate Bill; and the most unfortunate thing about it was, that it emanated from their Lordships' House.

THE EARL OF EGLINTON thought that the maintenance of a difference in the hours would have the appearance of being harsh, and would be found inconvenient if the Bill should pass. He believed it would be better to fix the hour for all things at 10 o'clock.

LORD CHELMSFORD said, if their Lordships were in favour of uniformity, he would rather fix the limit at 9 than 10, which he thought would be too near the hours of Morning Service.

LORD GRANVILLE approved of the general limitation to 10 o'clock.

Amendment made; the word "ten" inserted instead of "nine."

Clause, as amended, *agreed to.*

Clause 3 (Provisions as to distinct and separate Offences).

LORD TEYNHAM said, he objected to the amount of the penalties that might be inflicted under this and the following clause; such an accumulation of fines would ruin thousands of persons selling on a Sunday.

LORD CHELMSFORD observed, that the persons alluded to could prevent their ruin by abstaining from an infraction of the Act.

Clause *agreed to.*

Clause 4 (Provisions as to distinct and separate offences).

LORD WODEHOUSE asked what was the object of putting down the street cries of oranges, &c. which were still permitted to be sold.

LORD CHELMSFORD: The reason was, that there were a great many people in London who reverenced the Sabbath, and that in many parts of the town these cries were felt to be an intolerable nuisance.

LORD WODEHOUSE said, he hoped he might be included in the number of those who respected the Sabbath; but what he wanted to know was, when they allowed the sale of these articles, why they prevented the cries?

THE BISHOP OF CARLISLE said, perhaps, he might give the result of his fifteen years' experience as a clergyman in London on this subject. He could assure their Lordships that those cries were a great nuisance in the neighbourhood of churches; and he had often been obliged, during the administration of the Lord's Supper, to send out the officer to put a stop to the cries in his neighbourhood.

Clause *agreed to.*

Clause inserted, providing that the term of imprisonment for the first offence, in case of the nonpayment of the fine, should not exceed one calendar month.

Clause 6 (certain cases to which this Act does not apply).

LORD WODEHOUSE suggested that tobacco should be allowed to be sold on Sunday. A pipe of good tobacco was a wholesome refreshment to a poor man.

LORD CHELMSFORD said, that tobacco was just one of those articles which a man might easily procure on Saturday.

THE ARCHBISHOP OF CANTERBURY feared there would be great difficulty in dealing with certain branches of Sunday trading. If they permitted newspapers, for instance, how were they to deal with periodicals?

LORD CHELMSFORD defended the exemption. It had been his desire to steer a middle course between those who thought that no Sunday trading should be allowed at all and those who objected to any interference with it.

THE EARL OF CLANCARTY submitted that the police should have greater powers to enforce the Bill.

LORD CHELMSFORD said, the original Bill had given the police authority to seize articles exposed for sale; but, in conformity with the suggestions of noble Lords who thought that that would be a dangerous power, he had now much modified the measure. If those who wished to enforce the observance of Sunday (whom he believed to be a majority of the retail traders of the Metropolis) requested the police to lay an information, it would be their duty to do so.

THE LORD CHANCELLOR thought the clause as it stood would not prove objectionable. From the numerous petitions he had presented, he inferred that there were hundreds and hundreds of very respectable persons who were most anxious

to keep the Lord's Day, but who found it impossible so long as rival tradesmen refused to close their shops.

Clause *agreed to.*

Clauses 7 and 8 *agreed to.*

Clause 9 (Appropriation of Penalties),

LORD CRANWORTH proposed the addition of words to repeal the penalties of the statute of Charles II., as far as regards all offences prohibited by the present Bill.

After a few words from Lords WODEHOUSE and BELPER,

LORD CRANWORTH withdrew the Amendment, stating his intention to bring it up on the Report, which was fixed for Tuesday next.

LORD TEYNHAM gave notice that on the third reading he should take the sense of the House by moving an Amendment against the Bill.

Other Amendments made.

The Report to be received on *Tuesday*, the 22nd instant.

BANKRUPT LAW (SCOTLAND) AMENDMENT BILL.

House in Committee (according to Order.)

LORD CHELMSFORD moved to leave out certain words in the clause empowering the Bankrupt Court in Scotland to recall sequestration under certain circumstances. The noble and learned Lord said he had no desire to shelter the fraudulent individuals against whom the Bill was directed, but in dealing with a subject like this they ought to be very cautious not to violate general principles of the law of the land. His noble and learned Friend (the Lord Chancellor) proposed to give the Bankrupt Court a discretionary power of recalling sequestration in cases where, after due inquiry, it appeared that the great bulk of the insolvent's liabilities were to traders in England and Ireland. The object of that provision was to oblige the debtor to come and render an account in the country where the majority of his creditors resided. The power was discretionary: but the bare fact of its being given in the Act would be taken as a direction to the Judge. Under those circumstances, it was desirable that the clause should not have a retrospective effect. He did not object to its prospective operation; but he was anxious that it should not apply to persons who—fraudulent though they might be—were only availing themselves of what was the existing law. He should move the omission of the words "has been or" which preceded the word shall; and this change would effect what he desired without in any way interfering with the prospective operation of the measure.

Amendment moved in page 1, line 9, to leave out ("has been or.")

THE LORD CHANCELLOR opposed the Amendment. He did not think that as it stood, it could cause any violation of those principles which he was as anxious to maintain as his noble and learned Friend or any other noble and learned Lord could be.

On Question, That the said Words stand Part of the Bill?

Their Lordships *divided:*—Contents 7; Not-Contents 6: Majority 1.

Amendment *negatived.*

CONTENTS.

Campbell, L. *(L. Chancellor.)*	Granville, E.
Newcastle, D.	Saint Germans, E.
Camperdown, E.	Belper, L. [*Teller.*]
	Wodehouse, L. [*Teller.*]

NOT-CONTENTS.

Exeter, M. [*Teller.*]	Dungannon, V.
Westmeath, M.	Chelmsford, L. [*Teller.*]
Clancarty, V. *(E. Clancarty.)*	Redesdale, L.

Report of the Amendment to be received *To-morrow.*

STATUTE CRIMINAL LAW CONSOLIDATION BILLS.

OFFENCES AGAINST THE PERSON BILL.—THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª.

THE MARQUESS OF WESTMEATH said, he should oppose the third reading. The second clause dealt with the crime of murder, and he wished a proviso to be introduced into that clause that should meet the crime of wholesale murder arising out of the premeditated miscreancy of men who placed obstructions upon railways and thereby caused fearful loss of life. The 36th Clause provided that in cases where an individual was run over by a hackney carriage the driver should be subjected to the penalties of misdemeanour, but drivers of private carriages were exempted from that punishment. The Act gave no sufficient protection to the public against the fatal results of careless and reckless driving. In the last two years it appeared by

the Returns that 134 persons had been killed, and 1,827 maimed and injured, in the Metropolis alone, by being knocked down and run over. The present state of the law was utterly ineffectual to repress the evil. Few persons could bring an action against the individual causing the injury; and there was no public prosecutor to put the law in motion. The deaths were generally found to be "accidental" by the coroners' juries, but the word was quite conventional; it was ridiculous to suppose that all the 134 victims were killed by accident. What was required to repress such recklessness was a power of immediately arresting the offender and awarding an immediate and personal punishment, not a paltry fine of 40*s*. In one of Moliere's plays, a doctor asked how a certain patient was, "He is dead," was the reply. "Impossible! He was not to die till Thursday." "Nevertheless, he died on Tuesday, after taking the remedy prescribed." To which the doctor returned. "Enough! I am satisfied. If the formalities of medicine were gone through, all was right." It appeared to him in this case, that if the formalities of law were observed, that was all that was looked for. It was the duty of the Secretary of State for the Home Department to deal with this question, but it had not received his attention. In the case of persons poisoned, the body was exhumed, and the Home Secretary directed a *post mortem* examination: but in the case of these 134 deaths and 1827 injuries he had directed nothing to be done. Probably the Home Secretary was too much engaged on the Reform Bill or the paper duty to attend to a matter that so seriously affected the lives and properties of the public. Believing that such offences as he had described required to be treated with something more than a mere legal formality, he must withhold his assent from that portion of the Bill.

VISCOUNT DUNGANNON agreed that the offence, in reference to railways which had been alluded to by the noble Marquess should be repressed by the strong arm of the law; yet still he thought that it would be hardly possible to deal with that offence as with a case of murder. The Bill proposed the punishment of penal servitude for life, and he thought that would give sufficient protection to persons travelling by railway. As to injuries by running over persons in the street, the penalty might be two years' imprisonment, and that was a severe punishment.

THE MARQUESS OF WESTMEATH: What, for killing a man?

VISCOUNT DUNGANNON: But surely there was a difference between killing a man by running over him and killing him by murder; as also there was a distinction between both these cases and that of putting obstructions upon a railway. It appeared to him that the Bill would meet very many cases which occurred. He did not think there was anything to justify the strong censure which had been passed upon the Home Secretary.

THE EARL OF CLANCARTY observed, that the Bill would deprive magistrates acting singly of some of the jurisdiction which they now exercised, at least in Ireland. The Court of Petty Sessions for most purposes, except in the cases specially provided for, was constituted by one magistrate, who might thus deal with cases of common assault, and award punishment. But by the 44th clause of this Bill two justices would be required to exercise summary jurisdiction in cases of common assault, or even to take informations for the purpose of sending offences for trial.

THE LORD CHANCELLOR said, that these Bills for the consolidation of the criminal law of the country were presented in their present mature state as the result of the labours of successive Governments, whether Liberal or Conservative, for nearly thirty years, and if they now became law a great object would be accomplished. The objections raised by the noble Marquess were those which he had replied to before. Such acts as the noble Marquess described, if done maliciously, with intent to kill, would still be murder, and if done negligently with fatal consequences they would be manslaughter; it was, therefore, unnecessary to define them in this Bill. In reply to the suggestions of the noble Earl (the Earl of Clancarty), he would say that the Members of the Commission had taken the greatest care to discriminate between those cases where one justice only was required and the case which required two. He believed it would be found that the limits of the administration of the law by justices were satisfactorily defined.

THE MARQUESS OF WESTMEATH thought that if a public prosecutor were appointed a good deal of mischief might be prevented.

Motion *agreed to*.

Bill read 3ª accordingly.

Amendments made.

Bill *passed* and sent to the Commons.

The other six Bills having for the object the consolidation of the statute criminal law were also severally read 3ª, passed, and sent to the Commons.

PROTEST AGAINST THE PASSING OF OFFENCES AGAINST THE PERSON BILL.

Dissentient,—

1. Because by the 33rd Clause of the Bill it is provided that placing wood, stone, or other thing on a railway, with intent to endanger the safety of passengers, shall be punishable on conviction merely with penal servitude for life, and the refusal to admit on Motion words "that should death ensue it shall be adjudged to be murder," seems unreasonable. The plea of objection to this, that the law is sufficient, seems to me to have no force, for, by the second clause of the Bill, it legislates for the crime of murder in these terms, "Whosoever shall be convicted of murder shall suffer death as a felon," which is a practical admission of its necessity in the 33rd clause. Thus the refusal to amend the 33rd Clause as suggested stands in the light of a delusion if not a snare; the more so as the Bill was introduced to the House as a compendium to consolidate and amend all existing provisions of offences against the person, and to embrace all desirable improvements. Thus the clause confuses what the Bill proposes to simplify. It appears to me that the offence which is the subject-matter of the 33rd clause must also [of necessity result in the murder, not of one person only, but of many.

2. Because, by the 36th Clause of the Bill, the penalty of a misdemeanour is to be incurred by the drivers of all public carriages who shall by wanton or furious driving or racing, maim or injure any person, while the rejection of the provision to extend the same to the driving of all carriages whatsoever is an unreasonable reserve, made on the plea that, by common law, sufficient redress may be had.

This appears to be a conclusion inapplicable, as redress for such like injury should not be confined to pecuniary compensation; but even for that there is no public officer, called a Public Prosecutor, to initiate such proceedings for poor, or needy, or ignorant persons aggrieved.

But the public wrong should be vindicated also, where death or injury is inflicted by wanton or furious driving. That it is not so the returns before the House of 134 persons killed, and 1,827 persons maimed during the last 26 months within the Metropolis, too plainly show. It appears to me to be a dereliction of duty on the part of the Secretary of State for the Home Department that, with the means of obtaining the information contained in these Returns, no amendment of the law has been proposed to Parliament to restrain and diminish the recurrence of such offences. The present provisions in the Metropolitan Police Act and the City Police Act not extending beyond the *maximum* of a pecuniary fine of 40*s*.—40*s*. fine for wanton and furious driving, which experience shows is impotent.

It appears to me that a provident Government would propose to legislate against the person of an offender inflicting personal injury on another, instead of making a frivolous amercement upon his purse, which can always be paid for him by another, even by a participator in the offence charged against him. WESTMEATH.

House adjourned at a Quarter past Nine o'clock till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 14, 1860.

MINUTES.] PUBLIC BILLS.—3° Mariages (Extra-Parochial Places); Malicious Injuries to Property Act Amendment.

THE QUEEN'S BIRTHDAY.

QUESTION.

SIR FREDERIC SMITH said, he would beg to ask the First Lord of the Treasury, Whether the House will sit on Friday next, being Her Majesty's Birthday; and if not, whether the adjournment of the House will be moved on Thursday?

VISCOUNT PALMERSTON said, it was not usual for the House to sit on Her Majesty's Birthday.

PORTPATRICK AND DONAGHADEE HARBOURS.—QUESTION.

GENERAL UPTON said, he rose to ask the Secretary to the Treasury if he will furnish a Statement of the amount which has been, up to this time, expended of the £20,000 voted last year for the improvement of Portpatrick Harbour; a similar statement with respect to the sum of £5,000 voted for Donaghadee; and by what time it may be expected that the improvements will be completed?

MR. LAING said, that no portion of the £20,000 for the improvement of Portpatrick Harbour had been yet expended. The tenders were only sent in a short time ago, and a tender was accepted for £19,800. The works had been commenced, and he believed the contractor bound himself to complete them in about a year, perhaps by July next, but certainly some time next year. With regard to Donaghadee, he believed about £2,500 of the sum voted had been expended. A good deal of that work was work which would proceed rather more slowly, and he was told about two years would elapse before the whole was completed.

NEWSPAPERS CONVEYANCE, &c., BILL.
QUESTION.

MR. BAINES said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he intends to proceed this evening with the Order of the Day which stands on the Paper for the second Reading of the News papers Conveyance Bill?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Newspapers Conveyance Bill has not yet been printed, and has been reserved for the purpose of submitting to the House at the same time the regulations to be made by authority of the Treasury, which the adoption of such a Bill would require. But I am obliged to my hon. Friend for putting this question, because it will enable me to state what appears to be the convenient course to take with respect to the measure. The reasons on which the Bill is founded are chiefly or entirely departmental and administrative reasons; but a portion of the parties affected by it are disposed to contest those reasons, and to urge that the present system of a stamp on superficies, instead of a single stamp on weight, with the privilege of retransmission is accompanied by certain incidents which make it, on the whole, a beneficial and an economical arrangement for the public. That is an allegation which, however it may be opposed to the view of the authorities in the Post Office Department, is yet a fair subject for inquiry, and I should not like to urge the disposal of a subject of this kind without attending to such a fair allegation, which it is competent for those parties to make, and fairly within the province of the House of Commons to consider. We are, however, met by this difficulty. Sir Rowland Hill, the Secretary to the Post Office, I regret to say, has been labouring under a severe illness, and an intimation has been made to him on medical authority that it is absolutely requisite, in order to the public retaining his invaluable services, that he should have leave of absence for no less a period than six months. I think, therefore, it will be impossible for the Department to state its case on a subject of this kind in the absence of one who, I may say, has been the life and soul of all the Post Office arrangements in this country for the last twenty years. Under these circumstances, I have no alternative but to postpone that inquiry which I admit to be fairly demanded, and as it is uncertain whether or not Sir Rowland Hill may recover before the end of the Session, I think it best to drop the Bill, reserving to myself the renewal of it at a future period, after this inquiry shall have been made. I would, therefore, move that the Order of the Day for the Second Reading of the Newspapers Conveyance, &c., Bill be read for the purpose of being cancelled.

Order for Second Reading read and *discharged.*

Bill *withdrawn.*

FOREIGN ENLISTMENT.—QUESTION.

MR. STEUART said, he wished to ask the Chief Secretary for Ireland, Whether the Government have turned their attention to collections of money being made, there chiefly, as well as in other parts of the Empire, for the use of the Sovereign of the Papal States; whether they believe that such may be used, or means adopted otherwise, for enlisting subjects of Her Majesty for the army of that Foreign Power; and whether, if such be illegal or irregular, Government will take measures to check any agents in the matter, or to warn those who may enter into such engagements?

MR. CARDWELL replied that, no doubt the Foreign Enlistment Act absolutely prohibited any of Her Majesty's subjects to enter the military service of a Foreign Power without Her Majesty's permission. The Government had had their attention directed to the subject which the hon. Member had just brought under his notice, and he might state that they would be prepared to take such measures as seemed to them to be necessary for the prevention of any illegal proceedings.

FAIRS AND MARKETS IN IRELAND.
QUESTION.

SIR HUGH CAIRNS said, he would beg to ask, Whether it is the intention of Her Majesty's Government to introduce a Bill on the subject of Fairs and Markets in Ireland during the present Session?

MR. CARDWELL said, he had prepared a Bill, which he was prevented by the state of public business from introducing. If an opportunity should arise of carrying it through in the present Session, he should be glad to introduce it.

ORDER OF BUSINESS.—QUESTION.

MR. DISRAELI said, he wished to know the order of business for this even-

ing, and what will be taken up after the first and second Orders are disposed of?

VISCOUNT PALMERSTON said, they would proceed in the first instance with the Refreshment Houses Bill and the repeal of Sir John Barnard's Act. They would afterwards be regulated by circumstances.

MR. DISRAELI said, he had no wish to be unreasonable, but if the noble Lord cannot inform the House what is to be taken up after the first and second Orders, perhaps he can say what will not be taken up. Will the Customs Acts, for example, be proceeded with or not; and if so, after what hour?

THE CHANCELLOR OF THE EXCHEQUER said, the Customs Acts would not be proceeded with that night.

THE NEW BRONZE COINAGE. QUESTION.

MR. BLACK said, he would beg to ask Mr. Chancellor of the Exchequer, when the new Bronze Penny will be ready for issue; and, if the distribution is to be made in England and Ireland by the National Banks of those Kingdoms, by what machinery the distribution will be made in Scotland?

THE CHANCELLOR OF THE EXCHEQUER said, all the arrangements which depended upon the Mint with respect to the new coinage were in a very forward state; but there had been some delay with respect to that portion of the operation which was in the domain of art strictly so called, and they were not yet in possession of the dies. It was expected by the Master of the Mint that in a few weeks the dies would be forthcoming, and then the issue would commence immediately. The issue, however, was a somewhat serious operation, and the entire distribution of the coinage would take a very considerable time. In the first place, they would begin by issuing the coins from the Mint only, until the demand was so far established, and the public at large so far familiar with the progress of the operation, as to require a larger issue. They would then resort to the presses which were in the possession of the contractors, as well as the presses of the Mint itself. When the Mint itself became inadequate to supply as much as the public were disposed to call for, arrangements would then be made with the Bank of England, with all its country branches, the Bank of Ireland, and the principal banks in Edinburgh and Glasgow; and to those the new coin would be forwarded by the Mint, and they would become separate centres of distribution. The collection of the old coin, which would, in the main, form the material of the new coin, would go forward simultaneously with the distribution of the new coin, and for the collection of the old coin it was thought that the best plan would be not to arrange any expensive public machinery, but rather to trust to persons for bringing in the old coin, allured as they would be by some allowance in the nature of premium, by way of compensation for any charge and trouble they might be put to in collecting it. That was the whole of the arrangements that had been made.

In answer to Sir STAFFORD NORTHCOTE,

THE CHANCELLOR OF THE EXCHEQUER said, that a small sum would be taken in the Estimates towards the expenses, but that was taken merely as an account, because, in point of fact, the issue as soon as it began would balance the account in favour of the public.

SAVINGS BANKS BILL.—QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask, When the Savings Banks Bill will be brought on?

THE CHANCELLOR OF THE EXCHEQUER would put the Order down for Friday week, in the hope of bringing it on then.

BANKRUPTCY AND INSOLVENCY BILL. QUESTION.

MR. E. P. BOUVERIE said, he wished to know, Whether the hon. and learned Gentleman the Attorney General can tell the House when it will be asked to go into Committee on the Bankruptcy Bill?

THE ATTORNEY GENERAL said, he thought that was a very cruel question to address to him. At present, he saw no probability of being able to obtain a day for the consideration of that measure. But he had urged his noble Friend at the head of the Government to give them that day week for the purpose, and he hoped they would then be enabled to make such progress in the Committee that he would afterwards be allowed a morning sitting for its further consideration.

PRACTICE OF THE HOUSE—REPORT OF RESOLUTIONS FROM COMMITTEES OF WAYS AND MEANS.

THE WINE LICENCES BILL

IRREGULARITY, AND ORDERS THEREON.

VISCOUNT PALMERSTON: Sir, I rise in redemption of the pledge which I gave

on Friday evening, to call the attention of the House to an irregularity of proceeding which took place on Thursday. The House on that evening went into Committee of Ways and Means, and passed Resolutions affirming duties which were to form the foundation of two clauses in the Wine Licences Bill. According to the rules of the House, no clause of that kind can be put into a Bill, except it be founded upon a previous Resolution passed in Committee of Ways and Means, and afterwards reported to the House. That is the form of proceeding. Upon that occasion, there being no difference of opinion upon that preliminary step, my right hon. Friend the Chancellor of the Exchequer appealed to the House to dispense with the usual form, and allow the Resolution to be reported at once. It was an obvious convenience; the House agreed to it—at least there was no dissent—and it was done. But upon further consideration, and the matter being pointed out by my right hon. Friend behind me (Mr. Bouverie), it struck everybody that that proceeding, however convenient for the moment, was a departure from an established usage of this House. That usage is, that Resolutions in Committee of Supply, involving grants of money, should be reported, not on the day on which the Resolutions passed in Committee, but on some subsequent day; and upon inquiry I believe it appears that, from the Revolution downwards, there is only one instance in which that rule has been departed from—namely, in the year 1797, when a measure of great urgency was passed during the mutiny at the Nore, and when the ordinary forms of both Houses of Parliament were departed from for the purpose of expediting a measure which, upon that occasion, and under those circumstances, was called for by the public interests. Now, these forms of Parliamentary usage are, no doubt, very often productive simply of delay, and are an incumbrance on our proceedings; but they are all founded upon reason and good sense. The tendency of all of them is to guard the public interests and the character of the House of Commons from those precipitate decisions, which an accidental majority might be led to by passion, fear, or haste, or any of those other impulses by which men are governed. We all know that in assemblies in other countries where those forms do not prevail decisions of great importance, involving permanent consequences, and having a most important bearing upon national interests, have been passed suddenly, and without allowing any time for consideration. The object of all our forms is to secure a reconsideration of a given matter at a subsequent period, and when a different attendance may be in the House—and so to guard the House against precipitate decisions of an accidental and momentary majority. I am sure the House will feel that it is of the utmost importance to the public interests, the national welfare, and the character of the House, that we should maintain and respect these forms. Therefore it was felt by the House that it was necessary in some manner to correct the inadvertency or irregularity that took place on Thursday evening. There are two ways in which that may be done. One method suggested was, that we might pass a Resolution that that which was done then should not establish a precedent, and that we might convert the rule, the *lex consuetudinis*, into a standing order. But, Sir, it was thought that merely to pass a Resolution that this should not be deemed a precedent, would not be altogether sufficient for the purpose, and that we should rather weaken than strengthen the authority of Parliamentary usage, by converting that which is, I may say, a part of the unwritten law of Parliament into a statute, as it were, by making it a Standing Order, Standing Orders being frequently dispensed with. There can be no doubt, that this House has the power to do what it did on Thursday. There can be no doubt, that what was done on Thursday was a perfectly valid act, and, if nothing was done, it would remain as it is, and no one could impeach the validity of the proceeding. At the same time, for the reasons I have stated, I think the House will be of opinion that it is better not to let the matter rest in that way. I therefore propose that we should resolve that that which was done then should be deemed null and void, and that we should order that the Resolutions passed in the Committee of Ways and Means on Thursday shall be reported to-morrow.

THE CHANCELLOR OF THE EXCHEQUER: Or to-night.

VISCOUNT PALMERSTON: Or, to-night, if it should be thought more convenient—all that the rule requires being that the Resolutions shall be reported on a day subsequent to that on which they were passed in the Committee of Ways and Means. I shall therefore move — that Notice should be entered in our Journals that upon Thursday last the Committee of

Ways and Means had agreed to a Resolution, which, contrary to the Rules and Practice of this House, was, without urgent occasion, ordered to be reported forthwith, and was thereupon reported and agreed to by the House. I propose to put in the words, "without urgent occasion," because if any occasion should occur when the public interests require that we should depart from our ordinary rules and practice, the House may think fit to do again what was done in 1797. We have, therefore, thought it important to specify that what was done on Thursday was done without any urgent occasion. I now therefore propose to order —"That the said proceedings shall be null and void;" and thereupon, "That the Resolution passed in Committee of Ways and Means be reported," either this day or To-morrow. [*Cries of* "To-morrow!"] Then, I propose that it shall be reported to-morrow.

SIR HENRY WILLOUGHBY said, he thought that a double irregularity had been committed on Thursday last. The first was in the Motion by the Chancellor of the Exchequer that the Resolution be reported forthwith. The House then went into Committee on the Wine Licences Bill, and added two clauses which were founded upon the irregular proceeding in regard to the Resolution; and these clauses were agreed to by the Committee; that was irregularity No. 2. It was most important in a constitutional point of view that hon. Members should have time to reflect on the nature of a tax, and that the country should have an interval for knowing what was going on in regard to taxation. There was no proper foundation for the insertion of those two clauses, and he wished to know whether the Government intended to have the Bill re-committed.

THE CHANCELLOR OF THE EXCHEQUER: As I understand it, the hon. Baronet is quite correct in saying that a double irregularity has been committed, the second irregularity being in consequence of the former one. The proceeding in Committee was perfectly regular if the former proceeding had been valid; but the former proceeding having been cancelled, it follows that the subsequent proceeding in Committee in inserting the clauses was not founded on any Resolution of the House directing that they should do so. The matter will be regarded, therefore, as if it had not occurred, and these clauses will be brought up afresh in Committee, and will be then inserted. As I was the person who made the Motion that this Resolution be reported forthwith. I will state the part I had in the matter. I came down to the House and moved that the House should go into Committee of Ways and Means without having the slightest idea that any Resolution of that Committee could, without a violation of the rules and practice of the House, be reported on the same day. I had never heard of such a proceeding, and always thought it was forbidden by the rules and practice of the House. When the Resolution was in the hands of the Chairman of Ways and Means, he, as is usual, said, "When will you have it reported? Will you have it reported forthwith?" I said, "Can it be reported forthwith?" and he replied in the affirmative. I thought there had probably been some alteration in the rules and practice of the House, and assented to the Report as being more convenient to the House than waiting for any further proceeding on a future day. That was all that took place, excepting that, having received that assurance from the Chairman of Committees, I stated the point to the House, and stated that the matter was not one of emergency but of convenience. I am now in the hands of the House.

MR. WALPOLE: No doubt an irregularity has been committed which had better be taken notice of, and the only reason why I venture to rise is to express a doubt whether the noble Lord at the head of the Government has put his Motion in the best form for correcting the irregularity. No doubt the House has the power of reporting the Resolutions passed in Committee of Ways and Means forthwith. We exercised that power in 1797. I think that in taking notice of the irregularity we ought not to do it in such a manner as to imply a want of power on the part of the House to take that course in a case of emergency. I would suggest that the form of the Motion agreed to now should be "that the Report made on Thursday evening, and all the proceedings taken in consequence, shall be deemed null and void." I draw a broad distinction between saying these proceedings "are null and void," and that they are "deemed to be null and void." One implies that the House has not the power of proceeding as it did, and the other declares that the power is reserved.

VISCOUNT PALMERSTON: We think the object has been attained by the insertion of the words "without urgent oc-

casion," implying that if there had been any urgent occasion the proceeding might have been taken by the House.

Notice taken, that upon Thursday last the Committee of Ways and Means had agreed to a Resolution which, contrary to the Rules and practice of this House, was, without urgent occasion, ordered to be reported forthwith, and was thereupon reported and agreed to by the House.

Ordered, That the said proceedings be null and void.

Ordered, That the Resolution of the Committee of Ways and Means be reported *To-morrow*.

REFRESHMENT HOUSES AND WINE LICENCES BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 14.

SIR WILLIAM MILES observed that several of the clauses in this Bill had been copied from the Beer Act, and the persons who sold wine in refreshment-rooms would not have to come to the magistrates for a licence. Before any person was brought up before the magistrates for conviction it would be necessary to prove that he was the identical person keeping the wine refreshment-house, which they could not do, as they would have no record of the granting of the licence. It was true that a certificate was granted by the Excise, which was sent to the magistrates to give them an opportunity of objecting; but if they did not object within thirty days the licence was granted; he therefore proposed to introduce words which would oblige the collector or supervisor of Excise to transmit to the magistrate once every calendar month a copy of the list or register of the persons licensed.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that it would be unnecessary to send a copy of the list once a month, but he had no objection to its being sent once in six months, so as to reach the magistrates a few days before the general licensing day.

MR. HENLEY observed, that it would be very desirable that there should be certain fixed days on which those licences should be issued, so that everybody might know what was going on.

Clause *agreed to*; also Clause 15.

Clause 16.

MR. HUNT said, that it was very inconvenient to discuss this clause until the 12th and 13th were settled; he, therefore, proposed that they should go through the remainder of the clauses *pro forma*, and then take the 12th and 13th.

MR. LIDDELL inquired whether the Chancellor of the Exchequer intended to insert the very important Amendments of which he had given notice in those clauses.

MR. HARDY said, he would propose that words should be inserted to give the police power to enter refreshment-houses which were not licensed, but which were opened between nine o'clock at night and five in the morning.

THE CHANCELLOR OF THE EXCHEQUER said, that the insertion of the words "or requiring to be licensed" after the word licensed, would meet the views of the hon. Gentleman.

MR. AYRTON said, he was of opinion that it would be necessary to define any such power given to the police, so as to limit it to places of public resort.

MR. HENLEY said, that if a person opened a refreshment-house which required a licence without obtaining one, he rendered himself thereby liable to penalties other than those for abuse of licence. He doubted whether it would be right to give the police power to enter any house merely because they thought it ought to be licensed.

MR. HARDY said, that the provision would only apply to houses open between nine o'clock at night and five in the morning. All he wanted was a provision given to the police empowering them to visit such places of public resort as ought to come under supervision.

MR. HENLEY said, those houses were now neither licensed nor requiring to be licensed, such as shell-fish houses, coffee-shops, and the like. If the police had information that the refreshments were sold in those houses which would require licences, let them lay an information, and that would compel the owners to take out licences.

Amendment, by leave, *withdrawn*.

MR. ALDERMAN SALOMONS said, he wished to move an Amendment exempting houses from the visitation of the police before nine o'clock in the evening. It would be a grievous hardship upon pastry cooks and eating-house keepers, either taking out a wine licence or not, to be subjected to the visitation of policemen, especially when they closed before nine o'clock. He thought it a matter of public policy that a strong line of demarcation

should be drawn between those which closed at that hour and those which did not.

THE CHANCELLOR OF THE EXCHEQUER said, the Committee had, with great propriety, agreed to limit the powers of the police so that they should not visit houses which did not deal in strong liquors. But he could not see the justice of the proposal to render houses with wine licences, which were not open in the evening, exempt from those powers, when all beer-houses and public-houses were subject to the visits of the police during all hours of the day. He cherished the hope that the houses which this Bill would create would be of a more desirable character than those which now existed, but he did not think it fair to give them a chartered freedom which was not enjoyed by other public-houses.

MR. EDWIN JAMES said, they were giving the police the power of domiciliary visits to an alarming extent. The result would be that when the police were wanted in the streets to take any one into custody they would not be found, and the excuse would be that they were in a refreshment-house. Or the police would exact black mail from the owners of these houses, as was well known they did now of those poor unhappy creatures who frequented the Haymarket, and of persons keeping houses in the Haymarket. There ought to be some safeguard. The police ought to have *bonâ fide* reason to believe disorderly persons were in the house before they entered. If they were allowed to walk in and out at all times, they would become perfectly odious to the whole community.

SIR STAFFORD NORTHCOTE said, that one great inconvenience of the Amendment would be, that under it they would have a different legislation for winehouses and beerhouses. Many hon. Gentlemen did not wish to check the consumption of beer, and they would therefore object to any advantage being given to the holder of a wine licence.

THE CHANCELLOR OF THE EXCHEQUER said, the clause as it stood was taken from the Beer Act, and what he proposed was to apply to those wine licensed houses the very same restrictions, neither more nor less, than were applied under that Act. As to the police the hon. and learned Member for Marylebone (Mr. E. James) had conjured up imaginary dangers.

MR. HARDY said, he was in favour of putting all houses where drinks were sold under the same restriction, but he thought it was evident from the discussion that they would soon have to consider the whole question of licences so as to have one recognized system instead of three or four. He wished to call attention to the Town Police Clauses Act, the provisions of which had been adopted in many towns, and, in his opinion, might be generally adopted with advantage. By one of those provisions publicans were liable to a penalty if they knowingly harboured, or entertained, or suffered to remain in the place where they carried on business, any constable on duty, unless for the purpose of quelling a disturbance. There was another provision which related to harbouring disorderly persons, and a third which empowered the magistrates to impose a fine of 40*s.* for drunkenness, and imprisonment in default of the fine being paid. Where the Act did not apply there was really no punishment for drunkenness. A fine of 5*s.* might be imposed, but as there were no means to recover it the offender could laugh at the Court and walk away. If no other Member volunteered, he should bring up clauses with a view to incorporate some of the provisions of this Act in the present Bill.

MR. VINCENT SCULLY agreed with the hon. Gentleman who had last spoken as to the necessity for legislating in a general way on all matters, relating to licensing. All the laws relating to the sale of wine, beer, or spirits, ought to be codified, and the Irish and English laws on the subject ought to be assimilated. He was surprised to hear that the 5*s.* Act was nugatory in England; in Ireland it was not nugatory, but had done more to suppress drunkenness in the streets than any other law. He thought they ought not to encourage the consumption of foreign wine at the expense of beer, and that the effect of the Bill would be to make "confusion worse confounded" in the distinction which it established between licences.

MR. ALDERMAN SALOMONS said, he did not wish to press his Amendment against the sense of the Committee, neither did he wish to have three separate regulations for the sale of wine, beer, and spirits.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 17.

THE CHANCELLOR OF THE EXCHEQUER said, that Clauses 17 to 22 were adopted from the Beer Act, and that Clause 23 was taken from the Licence Act.

MR. HENLEY said, that the object was to subject persons keeping night houses

without licence to a penalty. If refreshment houses in which wine was not sold did not require a licence, unless when kept open at certain hours, he thought those houses should be subject to a heavy penalty if open after a certain hour.

SIR CHARLES BURRELL said, he wished to call the attention of the Chancellor of the Exchequer to the unsatisfactory way in which beershops were often conducted. He never found that the police troubled their heads about beershops unless they sold spirits, but when that was the case they were active enough. He thought if the right hon. Gentleman would take it seriously into consideration whether magistrates were to have any control in this matter, he would do a great deal of good to the country. He could assure the right hon. Gentleman that the indecencies which took place in some of the out-of-the-way beerhouses ought to be well looked after.

SIR BALDWIN LEIGHTON said, that in his opinion it was not well to impose penalties of an excessive character, because it produced an indisposition to enforce them.

THE CHANCELLOR OF THE EXCHEQUER said, he proposed to deal with the case of keeping open refreshment houses, not wine licensed houses, by striking out words which would make the 18th clause an excise clause. The hon. Baronet who had last spoken would observe that the clause before the House did not propose an ordinary penalty of £20 but a penalty of £20, which was denominated an excise penalty. There was a law which regulated this species of penalty, and which admitted of its being brought down to one-fourth.

MR. NEWDEGATE said, that a general feeling prevailed throughout the country that the Beer Act had operated most disadvantageously, and yet they were proceeding to incorporate many of its clauses in the present measure. He hoped this Bill would prove the preliminary to a revisal of the Beer Act.

MR. AYRTON said, he wished to know how a retailer was to distinguish between foreign wine and other wine, inasmuch as when foreign wine came into this country it was often converted into a variety of forms by the admixture of spirits, and it no longer retained the distinguishing character of foreign wine. Under these circumstances, he did know how a retailer was to distinguish between one compound and another.

SIR JOHN SHELLEY said, he understood the hon. Member for Warwickshire (Mr. Newdegate) to say that no one would be found in that House to stand up and defend beershops, but as there were several beershops in the districts with which he was more intimately connected which were very well conducted, and were under the surveillance of the police, he did not think beerhouses were deserving of the wholesale condemnation of the censure passed upon them.

MR. NEWDEGATE said, he did not deny there were some advocates of the Beer Act; but he maintained that that Act did not work well; and he was confirmed in that opinion by the Report of a Select Committee of that House which sat on the subject two years ago.

MR. SCULLY observed, that he agreed with the hon. Member for the Tower Hamlets (Mr. Ayrton), that the Bill should contain a definition of what "foreign" wine meant.

THE CHANCELLOR OF THE EXCHEQUER admitted that a difficulty was involved in the explanation of the words; the question, however, was not one of definition, but rather of skill, knowledge, and taste, and likewise of medical science. Foreign wine meant all wine made out of this country, and included colonial wine; but the offence for which they were now imposing a penalty was for selling foreign wine without a proper licence. If it were really foreign wine they might be sure it would be sold as such; whereas, it was by no means equally certain that because it was sold as such it was really foreign wine.

MR. EDWIN JAMES suggested that the words "or shall sell as foreign wine" should be introduced. In an action recently brought against the London Docks, which had occupied considerable attention, it was proved that a quantity of wine sold as South African port had all been made at Whitechapel. It was therefore advisable to remove from traders the excuse that their "foreign wines" had been made at Lambeth or elsewhere.

THE CHANCELLOR OF THE EXCHEQUER said, he had no objection to introduce the words "or purporting to be foreign wine."

MR. VINCENT SCULLY said, to prevent confusion it would be better to have a general interpretation clause at the end of the Bill.

THE CHANCELLOR OF THE EXCHEQUER acquiesced in this suggestion.

MR. AYRTON said, the Chancellor of

the Exchequer would find it no easy matter to frame an interpretation clause, defining what was meant by foreign wine.

Clause *agreed to.*

Clause 18,

SIR BALDWIN LEIGHTON asked, whether the penalty of £5 referred to the same offence as that indicated in the 16th clause. If so, there was no reason why the wording of the clauses should not be the same.

THE CHANCELLOR OF THE EXCHEQUER said, the reason for wording the clause in the manner referred to was, that it was deemed more convenient to adhere to the terms of the Beer Act.

Clause *agreed to;* as were also Clauses 19 and 20.

Clause 21.

MR. AYRTON said, he thought there would be considerable difficulty in dealing with the question of what was wine and what spirits. At present, foreign wine was ordered not to contain more than 40 per cent of proof spirit, but in this Bill there was no restriction, so that the article sold as foreign wine might be made to contain 50, 60, or 70 per cent of spirit, or spirits might be diluted to 30 or 40 per cent.

THE CHANCELLOR OF THE EXCHEQUER said, he did not think it at all necessary that there should be a clause defining what was wine and what spirit. Foreign wine was defined in the Customs Act, and he apprehended no danger of the dilution of spirits to compete with wine, as alcohol in spirit was taxed more severely than alcohol in wine.

MR. JOHN LOCKE said, he thought there was no difficulty. The question was, what was understood amongst the community? At present an exciseman calling for brandy would be in no danger of being served with wine, and *vice versa.* He thought the new law would receive the same interpretation as the old.

MR. HENLEY observed, that the whole difficulty arose from the occasional use of the word "foreign." It should either be used systematically or not at all.

MR. ROEBUCK said, he also thought the distinction was perfectly intelligible without the insertion of an interpretation clause.

MR. SCULLY said, they might get rid of the difficulty by leaving out the word "foreign."

Clause *agreed to.*

Clause 22.

MR. HENLEY asked whether a person licensed to sell British wines would be liable under the clause?

THE CHANCELLOR OF THE EXCHEQUER replied, that the sale of British wines was provided for under the existing law.

MR. AYRTON said, he would again urge the want of a definition of wine and spirits. The necessity for such a definition arose from the fact that the law was not intended for the superior and respectable class of houses so much as for the lower character of sellers, who would be likely to infringe it. It was not simply a question of English spirit, for under the Bill a foreign wine-merchant could bring his wine up to a standard of 40 per cent of spirit and import it into this country, where the retailer could add 10 per cent of spirit and then produce a liquor equal in strength to the gin which was now sold, but giving the foreign manufacturer a differential advantage of 3*s.* per gallon. He hoped the Chancellor of the Exchequer would consider the point, as it might materially affect the revenue, and tend to promote intemperance.

MR. SCULLY said, he did not think that the Chancellor of the Exchequer had taken sufficient notice of the important statement of the hon. and learned Member for the Tower Hamlets, as to the importation of spirits in the shape of wine. The present proposition was, that there should be an import duty of 8*s.* per gallon upon foreign spirits; but all spirits introduced in foreign wine only paid a duty of 5*s.* per gallon, which was thus offering a premium of 3*s.* per gallon upon all alcohol imported in the shape of wine.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the Committee was rather going back in its discussion. The question of the relative rate of duty upon wine and spirits was a most important question, as the collection of £14,000,000 of revenue depended upon it; but there would be no advantage in discussing it upon a clause which simply repeated the provisions of existing Acts. The real question to consider was, whether the distinction could be practically enforced. The shortest and best answer was that it was now practically enforced.

LORD JOHN MANNERS asked why the word "foreign" could not be omitted before "wine" in all the clauses.

THE CHANCELLOR OF THE EXCHEQUER said, he had not stated that the

words "foreign wine" were struck out, but that the words "British wine" were added. It did not at all follow that because they had brought British wine within the scope of the licence to sell foreign wine the same penalties would apply to both. Foreign wine was a dutyable article, but British wine was not.

MR. AYRTON said, British wine being a compound of spirits and fruit, he wanted to know where wine began and spirits ended—in other words, how English wine was to be distinguished from spirits; because now they were going to have a different law for the man who sold home-made wine and the man who sold spirits.

THE CHANCELLOR OF THE EXCHEQUER said, that no new point was raised with respect to the relations between British wine and spirits. It was quite obvious, if the hon. Gentleman were correct, that there was nothing to prevent anybody from selling spirit under the name of British wine, and he was not going to alter the law.

Clause *agreed to.*

Clause 23,

THE CHANCELLOR OF THE EXCHEQUER, in reply to questions, explained that Clause 23 was a remedial clause, providing for the security of the buyer. In case the buyer thought he was not getting fair measure, he could require the seller to give the wine to him according to strict legal measurement.

MR. WOODD rose to suggest an alteration in the clause to remove his objections to it.

MR. JOHN LOCKE said, that this was certainly the law at present in regard to licensed victuallers, and there was no novelty in it.

MR. HENLEY intimated that in his opinion the licence to sell wine by retail only applied to wine to be consumed on the premises.

THE CHANCELLOR OF THE EXCHEQUER replied that, as he understood the clause, it would apply to wine to be consumed on or off the premises.

Clause *agreed to.*

Clause 24.

THE CHANCELLOR OF THE EXCHEQUER said, he would propose to omit the words—

"Before the hour of four o'clock in the morning nor after eleven o'clock at night of any day in the week, nor at any time during which the houses of licensed victuallers now are or hereafter shall be required by law to be closed on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving."

And to insert words the object of which was to assimilate the law with respect to wine licences with the present law respecting beerhouses, so far as regarded the various arrangements as to opening and closing in places of different populations.

Amendment proposed,

"In page 10, line 4, to leave out from the word 'House,' to the word 'Thanksgiving,' in line 9, inclusive, in order to insert the words, "at any time before the hour of five of the clock in the morning, nor after twelve of the clock at night, or of any day in the week, in the cities of London or Westminster, or within the boundaries of any of the boroughs of Marylebone, the Tower Hamlets, Lambeth, or Southwark, as defined by an Act passed in the second and third years of King William the Fourth, chapter sixty-four; nor after eleven of the clock at night within any parish or place within the bills of mortality, or within any city, cinque port, town corporate, parish, or place the population of which, according to the last Parliamentary Census, shall exceed two thousand five hundred, or within one mile, to be measured as aforesaid, from any polling place used at the last Election for any town having a like population, and returning a Member or Members to Parliament; nor after ten of the clock at night elsewhere; nor at any time during which the houses of licensed victuallers now are, or hereafter shall be, closed on any Sunday, Good Friday, or Christmas Day, or any Day appointed for a Public Fast or Thanksgiving; and no person licensed as aforesaid shall keep or have his house open as a place of public resort, or for the sale or consumption therein of any article whatever, at any time between the hours of one and four of the clock in the morning on any day whatever."

Question "That the words proposed to be left out stand part of the Clause," put, and *negatived.*

Question proposed, "That the proposed words be there inserted."

MR. SPOONER asked, whether the right hon. Gentleman meant by this clause to authorize the opening of refreshment-houses upon days on which they were closed at present. The object of the Bill, as he understood it, was to afford persons who were moving about in towns an opportunity of obtaining a glass of wine and a biscuit in houses of refreshment. Was the right hon. Gentleman going to extend to all refreshment-houses the right to do that which was at present contrary to the law of the land—namely, to follow their ordinary calling upon the Sabbath Day? He thought that such a provision would be most dangerous, and the clause itself most objectionable.

THE CHANCELLOR OF THE EXCHE-

QUER said, so far as regarded the question of opening on Sundays there was no intention to alter the present law, nor to authorize the opening on Sundays of any house that was not now authorized to be opened on Sundays. The clause, as it stood, applied all the restraints to houses licensed under the Bill to sell wine by retail which were now applicable to the houses of licensed victuallers, with respect to Sundays, fasts, and thanksgiving-days. The effect of this Amendment, as far as eating-houses were concerned, would be to bring them under greater restraint than they were subject to at present with respect to Sunday trading, for now they kept open all day, but then they would be compelled to close during the same hours that the ordinary licensed victuallers closed.

MR. SPOONER asked if he was to understand the Chancellor of the Exchequer to say that refreshment-houses were not now amenable to the law for opening on Sunday? Whatever might be the case in London, refreshment-houses of the kind referred to by the right hon. Gentleman did not open in country towns. They were not open in Birmingham. Persons carrying on their ordinary week-day calling on Sunday were by law liable to prosecution; but this Bill would allow the keepers of refreshment-houses to do so.

SIR GEORGE GREY said, the Act of Charles II., to which the hon. Member no doubt referred, was inoperative and obsolete. It was well known that great numbers of persons, including the keepers of refreshment-houses, carried on their ordinary callings on Sundays unchallenged. By this Bill, eating-houses having licences would be placed under the same regulations with other houses that sold liquors.

MR. BAINES said, he had an Amendment to move, and, certainly, after what had just fallen from the right hon. Gentleman the Chancellor of the Duchy of Lancaster, the necessity for moving that Amendment did not appear to him to be lessened. If he understood the right hon. Gentleman aright, they were abandoning the law by which the sacredness of the Lord's-day was preserved. Now, that was just what he wished to make a stand against. He proposed to insert in the clause, after the word "week," the words "nor on any Sunday," the effect of which would be to prevent this new class of houses from being opened on the Lord's-day. He thought it of importance that the House should make a stand against the desecration of that day. He looked upon the observance of the Lord's-day as all but essential to the preservation of religion in the world, as well to the protection of labour. At a large meeting in Leeds, presided over by the vicar, special attention was drawn to this feature of the Bill, and it was clearly shown that the effect of this Bill would be to open a large class of new houses on the Lord's-day. Whatever might be the case in some parts of London, confectioners' shops and places of that kind were not open on Sundays in the provincial towns, but it was to be feared that, if this Bill passed, the force of competition would have that result. He believed that what had been said by the Chancellor of the Duchy of Lancaster would encourage people to open their shops, and therefore there was the more need that the House should set its face against the practice. Numerous petitions from Sunday-school teachers and others had been presented against the Bill, and a petition had come from Dublin against it signed by 12,000 persons, including clergymen of the Catholic, Presbyterian, and Established churches. The House was aware that a Commission had been appointed to inquire into the operation of the Act which closed public-houses in Scotland on Sunday. That Commission had not yet reported, but he was told that their Report was likely to contain a distinct approval of the working of the law. He hoped the House would resolve not to pursue a downward course on this question, but that they would rather do that which would give an indication of their intention at some future time to abridge the hours of those houses which now by law might be open on Sunday. The effect of this Bill would be to deprive thousands of pastrycooks and others of the opportunity of attending to their religious duties on the Lord's-day. Peculiar temptations, too, would be held out to boys to enter these places to buy sweetmeats on Sunday, and there they would find liquors on sale. What an example of evil would in this way be set before them on their way from their Sunday-schools and places of worship! These houses would be inimical to the domestic habits of the people. Next to religion itself there was nothing so valuable to the community as the practice and enjoyment of domestic habits on the Lord's-day. It was of importance, therefore, to encourage the people to rest in their own houses on that day, and to remain at home and instruct their children.

The Chancellor of the Exchequer

The effect of the Bill would be to give them encouragement to frequent refreshment-houses and places of amusement on the Lord's-day, and therefore he regarded it as an anti-domestic measure. The hon. Gentleman moved the insertion after the word "week" of the words "nor on any Sunday."

Amendment proposed to the proposed Amendment in line 3, to insert, after the word "week," the words "nor on any Sunday."

Question proposed, "That those words be there inserted."

MR. SOTHERON ESTCOURT said, he hoped the right hon. Gentleman the Chancellor of the Exchequer would consent to alter the clause in such a manner as that the Committee might have the satisfaction of knowing that while they had acted in accordance with the right hon. Gentleman's recommendation in opening new places where persons might obtain refreshment, they were not going to open a new class of refreshment-houses on Sundays. He was opposed to the principle of the Bill, and had voted against it, but he was far from denying that it would confer many advantages upon the public. But these advantages would be more than counterbalanced if a new class of public-houses were to be opened on Sunday, and he felt persuaded that the public generally by a large majority would object to that proposition. Everybody knew that there were numbers of houses open on Sundays which were fruitful in all sorts of disorder. In he beerhouses in the country all kinds of evils were concocted. He believed that a majority of hon. Members on both sides of the House were averse to a new class of places being opened on Sundays, and therefore he hoped the right hon. Gentleman would act in accordance with their wishes.

MR. P. W. MARTIN said, there were abundance of houses already open on the Sunday, and there was no necessity for any more; but he thought the effect of the Amendment would be to compel those who merely wanted refreshment to go to the public-houses to obtain it.

SIR JOHN SHELLEY said, he could not help thinking that if the licensed victuallers and beershop-keepers—in whose houses so many evils were concocted—were allowed to have their places open on Sundays, there could be no reason why a class of houses for refreshment, which were likely to be better conducted, should not be open on Sundays. If the argument was good as it affected the refreshment-houses of the lower and middle classes, it must also hold good as it regarded those places, such as the Reform Club and other clubs, where gentlemen could always obtain what they desired on Sundays. There ought to be one law for all. Again, hon. Members ought to show that these new houses would be tippling houses, and used for other purposes than for refreshment, before they rejected the proposition of the Chancellor of the Exchequer.

MR. KER SEYMER said, he felt compelled to differ from his right hon. Friend (Mr. S. Estcourt). All depended on the character which hon. Members attached to these refreshment-houses. For his own part, believing that they would promote good order and temperance, he could not object to their being opened on Sunday during the same hours that beerhouses and gin palaces were allowed to be opened. The right hon. Member had spoken as if it were wrong for working people to be away from their homes on Sunday. It was all very well for hon. Members of that House, who had ample means and opportunities of enjoyment on the other days of the week, to stay at home on Sunday, but they could not ask the 2,500,000 inhabitants of the Metropolis to do so, and if they went for a long walk they ought to have some refreshment. He should support the Motion of the Chancellor of the Exchequer.

MR. SCULLY said, he voted against the Bill. But if these houses were to be opened on week days, they ought to be opened on Sundays. He supposed the effect of the Amendment would be to send people to the gin palace; and, if carried, a gentleman who was in the habit of drinking his bottle of old port at his club every day in the week would not be able to obtain a supply on Sunday, but be compelled to drink spirits instead.

MR. SPOONER said, he could not see the analogy attempted to be established by the hon. Member for Westminster between these houses and clubs. The clubs came to Parliament for no licence. Gentlemen who took refreshment there took it, in fact, at their own houses. They did not require the authority of Parliament, and nobody but themselves were guilty of desecrating the Sabbath. But if licences were granted to these refreshment-houses they would have the authority of Parliament to desecrate the Sabbath, a matter which all were earnestly desirous of putting down. He

could not subscribe to the doctrine of the right hon. Gentleman the Chancellor of the Duchy of Lancaster as to his construction of the law of Charles II., and he thought the Committee ought to exert its power and prevent these houses being opened on Sundays.

MR. BAINES said, he had only a few words to say by way of explanation—first, that it was his intention to press his Motion to a division; and, secondly, that he did not propose to alter the law of the land with regard to the opening of pastrycooks' shops and other refreshment-houses on the Sunday. The clause had reference only to those places which would be converted into wineshops under the new system; and his Amendment did not extend its application.

MR. JOHN LOCKE said, he wished to call attention to the existing state of the law. The Acts under which Sunday trading was at present regulated were an Act of Charles II. for England and Wales, and an Act of William III. for Ireland. By the former statute it was provided that its regulations should not extend to prohibit the dressing of meat in families, or the dressing and selling of meat and wine in inns, cookshops, and victuallers' houses, for such as could not otherwise be provided for, nor the selling of milk before certain hours, of mackerel, and articles of that kind. The spirit and beerhouses were not to be closed except during the hours of Divine service. It was quite obvious, therefore, that if the hon. Gentleman succeeded in his Amendment, he would be altering the law, for he proposed to make it illegal for any person to go into one of the refreshment-houses and drink a glass of wine with his food. He (Mr. Locke) could hardly conceive that the Committee would come to such a conclusion as that. That was taking a Puritanical view of the Sabbath indeed. According to hon. Gentlemen who took that view, people were to get up and dress themselves, but he did not know whether they were to wash or not; as in some very strict watering places bathing machines were not allowed to go out on Sunday. In short, the country was to revert to the religious observances of the days of Oliver Cromwell. He would only add that if the hon. Member for Leeds wished to go fully into this subject, there was a Bill coming down from the Lords which would apply not only to the refreshment-houses but to the clubs also, when the whole question might be agitated, debated, and settled. He (Mr. Locke) wished to see the Sabbath observed, but he would never consent to a measure that would deprive the great bulk of the people of innocent recreation. But if there were to be a law on the subject, let it be a general law.

MR. BALL said, it was extremely unfair to fasten upon those hon. Gentlemen who wished to see the Sabbath more strictly observed the desire to abridge the comforts and happiness of the working classes. On the contrary, they had the interests of that portion of their countrymen much at heart, and were always foremost in every effort for their amelioration, whether moral or physical. The proposition before the Committee, however, was whether the country was to continue to observe the Sabbath day, or whether it was gradually and progressively to relax its efforts and do nothing whatever, either towards keeping the Sabbath or not. He should support the Motion of the hon. Gentleman.

MR. EDWIN JAMES said, that there were great anomalies in the hon. Member's Amendment. The effect of it would be to give an entire monopoly to the licensed victuallers on Sunday by completely closing the refreshment-houses. With those motives, which the Committee well knew that the hon. Member entertained, did he think that by this means of promoting the better—or rather the "bitter"—observance of the Sabbath, that he was really diminishing its desecration? It was very well for those who lived in luxurious houses, surrounded by comforts and relaxations, to say—Stay at home on the Sunday; but it was a very different thing for the poor, toiling working millions, whom they saw abroad on that day. By whom, he would ask, were the clubs frequented? Why, to a great extent, by those who had domestic ties elsewhere. Then, what miserable, wretched hypocrisy was it to talk of desecrating the Sabbath, when they saw four-in-hand clubs going down to Greenwich to dine on the Sunday! If they wished to commit the country to such a course of asceticism, the question ought to be brought before the House in a definite manner.

MR. FELLOWES said, he fully believed there was no country in which there was less desecration of the Sabbath than in England, and that was the very reason why he supported the Amendment. He had no wish to take a puritanical view of this question. He would not dispute with the hon. and learned Member for Southwark whether these houses could or could not be kept open by law. If they could

be kept open by law, all he would say was, why make the state of things worse than it was at present? If refreshment-houses were allowed to sell wine they became, of course, drinking-shops, and there was a danger, therefore, in allowing them to keep open on the Sunday. He did not agree with his hon. Friend the Member for Westminster, who said that because licensed victuallers' houses and beer-houses were open on Sunday, therefore they should open eating-houses also. If mischief to the morals of the country arose from having public-houses open on Sunday, they ought not to extend it further. He should certainly vote for the Amendment.

MR. ALDERMAN SALOMONS said, he should support the Amendment. He felt an important interest in this subject, which was common to all hon. Members, namely, the ground of expediency. He thought it would be inexpedient, having the spirit and beerhouses opened already on the Sunday, to extend the right of opening to refreshment-houses.

LORD JOHN MANNERS suggested an alteration in the form of the Amendment which would have the effect of making the clause more clear. The question of the due observance of Sunday had perplexed Christendom for centuries, and he regretted that this discussion should have arisen. But as it was raised, he feared they must come to some decision upon it. As to the general subject upon which the hon. and learned Member for Marylebone (Mr. James) had enlarged, he cordially agreed with him, and he had no doubt that nine-tenths of the Committee were of the same opinion. It was not suggested either by the hon. Member for North Warwickshire (Mr. Spooner), or by the hon. Member for Leeds (Mr. Baines) that the comforts of the lower classes were to be increased or diminished; but, looking at the question practically, they could not shut their eyes to the fact that in the interest of the working classes themselves it was becoming a question of some importance whether some limit should not be put upon indiscriminate Sunday trading. Into that question he would not enter, as he believed it would shortly be referred to them from "another place." But on the comparatively small point before them he would say that he did not think a case had been made out for the extension of Sunday trading, and therefore he should vote for the Amendment.

MR. BAINES accepted the suggestion of the noble Lord.

Amendment, by leave, *withdrawn*.

Another Amendment proposed to the proposed Amendment, in line 12, after the word "elsewwhere," to insert the words "nor on any Sunday."

MR. C. P. VILLIERS said, he wished to remove a misapprehension, as he thought it right that the country should understand about what they were dividing. One hon. Member said it was time the country should see who in that House were in favour of the desecration of Sunday, and who not, and another hon. Gentleman said it was time the country should see who were in favour of extending Sunday trading, and who not. It might go forth that those who voted against the Amendment were really promoting the desecration of the Sabbath and Sunday trading. But what was the proposition? It was not proposed to prevent the opening of refreshment-houses, nor to prevent public-houses selling wine, nor to prevent persons sending to the public-house for wine and drinking it elsewhere, so that a traveller might take a dozen of wine into a refreshment-house, and do all the mischief which the hon. Member for North Warwickshire would prevent. What was the difference in the desecration of the Sabbath between the traveller who gave money out of his pocket for wine and the traveller who found it charged in the Bill? Surely that was too paltry an issue on which to place the question. The fact was there were plenty of houses in existence already where spirits could be got on Sundays, and the question was whether people should be driven to those irregular houses, or whether a better class of establishments should be legalized. It was objected that there were already too many public-houses by far; but, on the other hand, the very same persons who made that assertion would admit upon other occasions that, notwithstanding every sort of temptation which spirit and beer-houses could hold out, there was no country in the world where the Sabbath was so well observed as England. Did not that look as if the people were intelligent beings and good Christians who could pass public-houses without making brutes of themselves? He wanted to know where was the evidence of an increasing tendency to desecrate the Sabbath. The hon. Member for North Warwickshire (Mr. Spooner) could carry his memory a long way back, and he would be obliged to acknowledge that the people were more sober and decent, and that the Sabbath was

better observed than formerly. There was one way in which they could induce people not to go to drinking-houses, and that was by allowing them innocent recreation. But the hon. Member belonged to a party who would stop every steamboat and shut up every railway on a Sunday. The truth was, that since people had been able to get into the country on Sunday, there had been less drunkenness in large towns than there used to be. He had not one whit less regard for the Sabbath than those who thought themselves more righteous than all the rest, but, as he had said, it was a paltry issue on which to put the question, and he should vote against the Amendment.

MR. SPOONER said, the right hon. Gentleman had charged him with being one of those who would shut up all places of innocent recreation on Sunday; but he challenged him to prove an instance in which he had ever done anything, or said anything, to justify the accusation. He knew it was a very difficult question how to regulate these things, but he believed that the more rational recreation there was, the more it would lead to the proper enjoyment of Sunday. He supported the Amendment, because, in his opinion, the clause, unamended, would add to the number of places which led to great immorality and great mischief. He voted against the second reading upon the ground that the Bill would do great injustice to vested interests. He saw the evil of public-houses being open, and he asked the Committee not to increase it, and, above all, not to give a fresh Parliamentary sanction to the desecration of the Sabbath. There was this difference between clubs and public-houses—clubs were places of private meetings, for which private individuals were alone responsible; but, if they consented to the opening of more places of public refreshment than were necessary, Parliament would be responsible, and that was a responsibility which he would not incur. He believed that in England the Sabbath was better observed than in any other country, and he wished to keep it so.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to state the conclusion, not to which the Government had come, but at which they remained. It appeared that the hon. Gentleman approached the question from this point of view—that all these licensed houses were necessarily places of great immorality—places to be condemned and proscribed in themselves; and they naturally, therefore, concluded that it was bad enough to have them six days of the week, and that it would be worse to have them on Sundays. But that was not the principle on which the House sanctioned the second reading of the Bill. The view upon which the House had proceeded was that it was desirable to allow the people greater facilities for obtaining wholesome refreshment under conditions more favourable to temperance and sobriety than those which existed under the existing law. Up to the present time the law had restrained trading on certain days, of which the Sundays were the most prominent and important, but which also included Christmas-days, Good Fridays, and other days appointed for religious observance. But this Amendment overlooked these latter days altogether, and left them to be devoted to that intemperance and riot which it was said the opening of these houses on Sunday would occasion. Again, the law of England at present recognized the necessity of affording reasonable refreshment on the Sunday, and the words of the Act of Charles II., in emphatic form, exempted cookshops and eating-houses from the restrictions which applied to other places. Now, the present Bill did not propose to open drinking-houses, but to give drinking licences to what were virtually cookshops and eating-houses, and if the Amendment were accepted, they would stand in this anomalous position, that they would place those houses, which the Act of Charles II. admitted to be proper to be kept open under more unfavourable conditions, with respect to the sale of wine, than the mere drinking-shops. On the whole, he came to the conclusion that the inconvenience of establishing an exceptionable distinction against a class of houses which he believed would be of an improved character, would be a greater evil in itself than any they were likely to incur by adopting the opposite course. He, therefore, hoped they would reserve the general question which had been raised to be dealt with as a whole with reference to all the houses alike.

MR. HENLEY said, he could not but express his regret that so grave and important an Amendment was brought forward without notice, and suggested that it should now be withdrawn and brought up on the Report. The question involved was a large and a difficult one, and it was not usual to bring forward such a question without notice, that all who took an interest in it might be present and take a part

if they chose in the discussion. No doubt the step they were now taking would render any further dealing with the subject more difficult. He regretted that they had departed from the recommendation of the Committee, in having three descriptions of these houses instead of one, the consequence of which would be a competition which would conduce to intemperance. There ought to be the same law for the different classes of refreshment-houses.

MR. PULLER urged that the refreshment-houses would be on a different footing to beerhouses and public-houses, inasmuch as they would not be compelled to close during the time of Divine service.

MR. BAINES said, he had no intention of taking the House by surprise in the matter. He had not given any previous notice of the Amendment, partly because he had hoped that the subject would have been taken up with a better prospect of a successful advocacy by a right hon. Gentleman opposite, and partly because he had really been somewhat bewildered by the number of Amendments which the Chancellor of the Exchequer had put on the paper so that he really did not know where to bring in this particular Amendment. He could not forget that the question had been referred to in many of the petitions which had been presented to the House, and had been made the subject of considerable discussion at public meetings throughout the country; and, under these circumstances, he felt that he would not be justified in accepting the suggestion of the right hon. Gentleman the Member for Oxfordshire by postponing the Amendment.

MR. PACKE remarked, in answer to what had fallen from the right hon. Member for Wolverhampton (Mr. Villiers), that it had been stated in evidence before the Committee, to which reference had so frequently been made, that the public-houses and the places of worship in the Metropolis had been visited on a Sunday evening by the police; and it had been ascertained that there had been more people in the former, than in the latter.

MR. MALINS said, he felt bound to oppose the Amendment. He saw no reason why a greater restriction should be imposed on a pastry-cook's shop, than on a public-house.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 82; Noes 117: Majority 35.

MR. AYRTON said, it seemed to him that this clause, as proposed, drew a very important distinction between the law in reference to public-houses, and that in reference to refreshment-houses. The law with regard to public-houses required that they should be closed during certain hours on Sunday; but this clause allowed refreshment houses to be kept open for eating purposes; but during those hours the sale of wine was prohibited. Such a clause as this, in his opinion, was perfectly illusory. The only possible protection which they could have against people drinking in those houses during the prohibited hours on Sunday, was by applying the law, as it was now applied to public-houses, and closing them altogether. The law should be as stringent in regard to refreshment-houses, as it was in the case of public-houses and beer-shops; and he pressed this the more upon the House, because the result of practical experience had shown that when the public-houses were kept open for a longer period on Sunday than they were at the present time, the amount of intemperance, and the number of charges against persons on Monday morning, were exactly double. They might rely upon it, that if they allowed houses to be kept open during prohibited hours on Sunday, in which the working people could assemble for the purpose of eating, drinking to a great extent would be carried on in those houses.

MR. DARBY GRIFFITH said, he could not conceive how the Chancellor of the Exchequer could seriously propose such a clause. In the eating-houses which opened in the morning, drinking was not to commence until one o'clock, and should cease at two o'clock. Refreshment might, however, be sold all day; but virtuous drinking could only be resumed at six o'clock, and finally brought to a close at ten o'clock. It was absurd to suppose that such a Resolution could be carried out.

MR. FRANK CROSSLEY said, he hoped the Chancellor of the Exchequer would reconsider the matter, or, at least, alter the law affecting public-houses, which also sold victuals as well as drink.

MR. BENTINCK observed, that it was plain that hon. Gentlemen did not understand the object of the Chancellor of the Exchequer, which was to afford the greatest encouragement to drinking of all kinds, in order to raise a revenue; and therefore it was that he encouraged the sale and consumption on Sundays of all the abominations which would be sold in refreshment shops under the name of wine. If any one

would move that this measure would promote drunkenness and immorality, he (Mr. Bentinck) would support him; but without some such Motion being made, all these discussions were useless. The only question was, whether they would have more or less drunkenness; while, for his part, he had always thought that it would be a good thing to put a stop to drunkenness altogether.

MR. HARDY said, he thought that the wine licences granted to refreshment-houses ought to override all other licences, for, if those places were allowed to remain open during the whole of Sunday, it would be impossible to prevent the sale of wine.

MR. EDWIN JAMES said, he was under the impression that the eating-houses were to be under the same restrictions as the public-houses. If a refreshment-house with a wine licence were to be open all Sunday, an injustice, in the first place, would be done to the publican, and, in the second place, the result would be that wine selling would go on all Sunday, as it was quite ridiculous to suppose that people in the shops would leave off drinking at eleven and resume at one, or leave off at three till six o'clock. The fair way would be to make every refreshment-house with a licence subject to the same restrictions as the public-house.

THE CHANCELLOR OF THE EXCHEQUER said, the clause had been drawn in strict conformity with the terms of an analogous clause in the Beer Act; but the beer licence restrained those houses from being open at all during certain hours on Sunday. In the schedules to the present Bill it would be found that the licence for the sale of wine would place refreshment-houses on precisely the same footing as the beerhouses.

MR. SOTHERON ESTCOURT wished to know whether it was the intention of the Chancellor of the Exchequer to place these houses on the same footing as licensed houses.

THE CHANCELLOR OF THE EXCHEQUER said that was his intention.

MR. PULLER said, he considered there was a discrepancy between the wording of the clause and the schedule, as the schedule said that refreshment-houses might be kept open between four A.M. and one A.M., while the clause said that they should not be open for the sale of wines after eleven at night.

On the suggestion of MR. HENLEY,

THE CHANCELLOR OF THE EXCHEQUER agreed to the insertion of the words "for the sale or consumption therein of any article whatever."

Clause, as amended, *ordered* to stand part of the Bill.

Clause 25 *agreed to.*

Clause 26,

MR. FRANK CROSSLEY said, he had at first objected to the sale of wines as proposed by the Chancellor of the Exchequer, but he informed him that he had no objection to make the regulations of the new law stringent in every possible way. Experience of beershops had told him (Mr. Crossley) that the keepers of them did not care much about fines, and there was no power to take away their licences. Now, he proposed to make the clause to stand that a person holding a retail licence should be disqualified from selling wine by retail for a space of five years, if convicted of offending against the law three times, and that it should not be within the discretion of the magistrates to condone the third offence.

MR. HENLEY said, he was of opinion that the proposition required a good deal of consideration, as it would operate very harshly in the case of persons convicted of small offences. There might be long intervals, too, between the offences, and the justices would, in such cases, be placed in a very difficult position. The clause proposed to disqualify offenders from selling wine for five years. That seemed a long time, and was not in accordance with the Beer Act, which, he understood, the Chancellor of the Exchequer intended to follow. By the Beer Act the disqualification was only for two years. It was his opinion that if the clause were to be worked out in the way now proposed there would be found a great difficulty in obtaining convictions at all.

THE CHANCELLOR OF THE EXCHEQUER said, as a general rule he thought it would be desirable to follow the Beer Act, unless an improvement could be made upon it. In some respects the Beer Act was found to be very weak, and open to improvement, and he thought it was so in this instance. He wished to make the Act as stringent as possible, and he was about himself to propose an Amendment which would give a larger discretion to the justices. Instead of the words "third offence," he proposed to substitute the words "Any such second or third offence." If the cases were very aggravated a person might thus be disqualified on the second offence. The character, and not the number, of the offences should be the point of consideration.

MR. HARDY said, he preferred the Amendment of the Chancellor of the Exchequer to that of the hon. Member for the West Riding. It was clearly shown before the Committee upstairs that there was no instance of a third conviction of a beerhouse-keeper, which would have been followed by the loss of his licence. When a man had committed two offences he always transferred his licence. The same thing would be done more easily under the present measure, and therefore he thought the magistrates should have power to take away the qualification of the man on the second offence, and thus prevent him from being able to transfer the licence.

MR. ALDERMAN SALOMONS said, that the penalty for a second offence was £10, and for a third offence from £20 to £50. These were serious penalties to persons in this condition of life, and he trusted that the Chancellor of the Exchequer would reconsider them.

SIR BALDWIN LEIGHTON said, he must remind the hon. Member that Clause 28 diminished the severity of the penalties by enabling the magistrates to lessen them.

MR. FRANK CROSSLEY observed, he was wiling to withdraw his Amendment in favour of that of the Chancellor of the Exchequer.

MR. BENTINCK said, he wished to call attention to the provisions against adulteration. As they stood in the Bill, they would not touch any person who sold wine that had been adulterated by some one else. He was afraid that the effects of this law would be to make the wine sold in England worse than that the Chancellor of the Exchequer so graphically described in his statement when he introduced the Budget. The introduction of cheap wine into this country had already been tried, and failed. The South African wines had been introduced, but the bulk that had been sold was manufactured in this country. Competition, so far from making wine cheap, would make it dearer, and under no circumstances would they have for the next two or three years wine cheaper than 24*s.* per dozen, or perhaps more, and then, probably, not worth drinking. It was, therefore, highly desirable that provisions should be introduced into the Bill against adulteration, that if they had no great operation, would frighten the people against adulteration. At the present time there was a large stock of bad wine in the London Docks, that would not afford to pay duty, and he understood that it would be mixed with some infusion, to make it more palatable, and then it would be sold as the "Chancellor of the Exchequer's wine." Cette, in the South of France, was a great place for the manufacture of spurious wines, and at the present moment the wine agents of France were scouring the country to purchase inferior wine to manufacture like the South African for the English market. He would, therefore, move the insertion of the words, "or shall knowingly sell, or expose for sale, any wines so diluted, adulterated, or mixed, as aforesaid."

THE CHANCELLOR OF THE EXCHEQUER said, he had been led by the hon. Gentleman's argument not only to the same conclusion, but almost to the choice of the same words. He thought, however, it would be advisable to adopt the wording used in the Beer Act, which was, "anyone who shall knowingly sell or offer for sale any wine so fraudulently mixed, diluted, or adulterated."

MR. BENTINCK said, he was willing to accept the alteration.

MR. ROEBUCK said, he wished to know whether the phrase "knowingly sell," implied that the seller knew the article he supplied to be adulterated.

THE CHANCELLOR OF THE EXCHEQUER said, he understood it did.

MR. BENTINCK said, he could only repeat what he had before said, that it was his conviction the only possible effect of the Bill would be to promote drunkenness for the sake of augmenting the revenue. But, as the right hon. Gentleman, in his wild career, seemed determined to sacrifice the morals of the country—as he was willing in cold blood to open the doors to immorality of this description for the sake of revenue—he should appeal to him to have regard, at all events, to the health of the community as far as it was possible. He concurred with his hon. relation in thinking that it was high time that some very stringent measures should be taken to prevent the sale of that combination of filth—he could use no other term—which would be sold under the operation of the new law. The price of good wine would no doubt henceforth be considerably raised. It was notorious that as soon as the scheme of the right hon. Gentleman was first mooted the dealers in France began to buy up all the worst description of wines, and to adulterate them for the English market; that wine when first landed in this country was bad enough, certainly—so bad that it made one shudder to think of the distress

ing effect it would have on any person who was rash enough to drink it. But it was comparatively pure to what it would be after it had passed through the hands of the English vendor, whose singular talent for adulteration would be exercised to the fullest extent, in order to get the largest profit out of the transaction. By the time that the villanous compound was poured down the throats of the unfortunate dupes who bought it in the refreshment-house at so much a glass it would bear no more resemblance to wine than the ink on the clerk's table. The port and sherry of the present day, bad as they were, would be nectar compared with the stuff that would be passed off as wine when the combined ingenuity of England and France was directed to its adulteration. He asked the right hon. Gentleman whether he believed that in the class of houses which sold wine in retail under the present system a drop of pure genuine wine could really be got. Well, if that was the case now, what would it be after this Bill passed? He thought there ought to be some stringent system of inspection established in order to prevent people from being poisoned with bad wine. It was generally understood that Greenwich champagne was manufactured there; but, then, it was really a very wholesome beverage. It was prepared by a skilful chemist, and the manufacturers were very careful to exclude everything from its composition which would be likely to injure the people who drank it. If they poisoned them, of course, they would lose their custom. The same prudence was not to be expected on the part of those who would prepare the wine which the refreshment-houses would supply, and it was, therefore, the duty of the right hon. Gentleman to take strong measures to check the adulteration.

MR. STEUART suggested the propriety of adopting the words of a clause in the Bill framed to provide against the adulteration of food and drink which he thought would meet the requirements of the case completely. In reference to the observations of the hon. Member for West Norfolk (Mr. G. W. Bentinck) the Bill to which he alluded provided for the analyzation of any article of food or drink that was alleged to be adulterated.

MR. EDWIN JAMES said, he thought the hon. Member for West Norfolk had been somewhat unjust to the tavern-keepers of our country, who were not responsible for all the adulteration which was practised.

Mr. Bentinck

The fact was that a large quantity of port wine reached our shores in an adulterated state. It was also proved before the Committee that a large quantity of wines were adulterated in France before they were sent over to this country, especially since the first occurrence of the wine disease. It was said that there was more champagne consumed in St. Petersburgh alone than had ever been produced in France. He might mention that the worst port he ever had the ill-luck to taste was at an agricultural dinner in West Norfolk.

MR. AYRTON said, he would recommend the adoption of the same principle which had been laid down in the Adulteration of Food Bill; namely, that persons should be liable to penalties if they sold articles containing matter injurious to health or things impure which they had expressly warranted to be pure. He would further advise the Chancellor of the Exchequer to omit the word dilute. It was in evidence that an exciseman, looking only to revenue purposes, deemed it a great grievance that publicans should reduce the strength of gin and beer, but as the stronger they were the more readily they would intoxicate, the weaker they were made the greater the benefit conferred on society. When the publicans complained to him of the treatment they received from the Chancellor of the Exchequer, he told them to water their gin, and water their beer, so as to indemnify themselves, and they would thus render a great service to the public. The Chancellor of the Exchequer proposed to make it an offence to sell weak wine; but it would be the greatest blessing to dilute it as much as possible.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the feelings of the hon. Gentleman which were enlisted in behalf of some of his constituents who were virtuously employed in protecting the public sobriety, would not be hurt when he knew that the language of the clause was not only "dilute," but "fraudulently dilute." Fraudulent was the word on which he wished to dwell. He would not enter into the question whether wine and water was better than wine. He had his own opinion, but he did not wish to interfere with those who sold wine and water or those who sold wine; all he wished was to require that if they sold wine and water they should sell it as wine and water; and, on behalf of that detestable article gin, he would say that if the publicans sold gin and water they should sell it as gin

and water; but not, under their zeal and ardour to defend the sobriety of the people, fraudulently give an article different from that which they professed to sell. He could not agree to abandon those words, and he hoped the Committee would agree to them. He thought the hon. Member for West Norfolk had been guilty of some exaggeration, for even now all wine that was sold was not adulterated. He had the curiosity to send for 20 samples from 20 publicans, taken indiscriminately, and the result of analysis was, that in about 12 cases the wine was new and raw, but pure, and in the other seven or eight it was adulterated in various degrees, some by mixture with Cape, and some by the introduction of objectionable compounds.

MR. ROEBUCK observed that where a warranty was given that the wine was pure, and it was proved to be impure, a remedy could be obtained by simply proving the warranty, but he thought it would be very difficult to prove in any case that the person who sold adulterated wines "knew" that they were adulterated. He therefore thought it better to make the penalty turn on a warranty which could be easily proved.

MR. STEUART said, when the vendor persevered in selling an article which he had been told was adulterated, it could then be proved that he sold such article with a guilty knowledge.

MR. BENTINCK said, the Chancellor of the Exchequer had charged him with indulging in a tone of exaggeration. He could assure the right hon. Gentleman that he never presumed to rival him in anything. The Chancellor of the Exchequer appeared not to understand the nature and habits of the classes for whom he was legislating. As to what had fallen from the hon. and learned Member for Marylebone, he confessed he was surprised to hear him say that he had imbibed some very bad wine in West Norfolk. He (Mr. Bentinck) could only say that the district which he had the honour to represent was celebrated for the peculiarly good port wine which it imported and produced. The hon. and learned Gentleman must, therefore, have been extremely unlucky in having stumbled on a bad bottle. They would always be glad to see the hon. Member, and he only wished the hon. Member had imbibed some of the principles which he was sure were current upon the occasion to which he had referred.

Clause, as amended, *agreed to;* as were also,

Clauses 27 to 30 inclusive.

Clause 31 *postponed;* Clauses 32 to 34 *agreed to.*

Clause 35.

MR. AYRTON asked on what grounds the Universities were exempted from the Bill if, as was contended, its effect would be to promote temperance and virtue. It was quite right in passing the Licensing Act of George IV., the object of which was to restrict the sale of liquors by the strict supervision of magistrates, to preserve the authority exercised by the heads of the Universities; but, as the Bill proceeded on the principle that the sale of wine would promote sobriety, why should not the Universities be included? If restrictions could be dispensed with in regard to the people at large, much more could they be dispensed with in the case of the educated young men who frequented the Universities. But, in fact, the House of Commons, while passing this Bill, knew very well what its character was, and did not dare to apply to places resorted to by the sons of hon. Members and persons in a similar condition of life, the principles which they were applying to the people at large.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman's devotion to his cause amounted to something sublime. His argument, however, had no basis in fact. The Act would apply to Oxford and Cambridge just as to any other place, and the simple object of the clause was to preserve from any possible effect of a statutory enactment the licensing powers now possessed by the Vice-Chancellors. Similar clauses were inserted in the Beer Act and in the Licensing Act of George IV.

MR. HARDY said, he wished to know why the Incorporated Society of Free Vintners should be excepted. The privileges possessed by that society of being able to grant licences to wine dealers without consulting the magistrates had already produced many evils. It had been proved before a Committee of that House, that under this system men of straw placed their names upon the doors of houses to which licences were granted, and then other persons used those names for the purpose of carrying on a disreputable trade. The clause also exempted the corporation of St. Albans. Was that, he wished to know, to make amends for the disfran-

chisement of that borough? For the purpose of bringing the vintners within the operation of the Bill, he would move as an Amendment that the exception affecting them should be omitted from the clause.

Amendment proposed, in page 15, line 21, to leave out from the word "otherwise," to the word "only," in line 24, inclusive.

SIR GEORGE LEWIS said, he thought the proper place to deal with the privilege of the Vintners' Company would be when the London Corporation Reform Bill came on. That body possessed privileges in reference to the opening of public-houses which could not be dealt with on this occasion. The only effect of this clause would be to except the new class of wineshops from the privileges of the vintners.

MR. HARDY said, he did not see why the vintners should be on a different footing from other people, and he should therefore move the omission of the words relating to the Vintners' Company.

THE CHANCELLOR OF THE EHCHEQUER said, the exemption in favour of the corporation of St. Albans was inserted, because that body had licensing powers under ancient charters, and which were independent of the ordinary tribunal of the justices of the peace. With regard to the privilege of the free vintners, it was certainly one of a most anomalous character, and he therefore thought the suggestion of his right hon. Friend (Sir G. Lewis) should be adopted. To adopt the Amendment of the hon. Member for Leominster (Mr. Hardy) would be granting too much or too little; and the effect would be to leave the law in a state of ambiguity. It would be much better to deal with the matter substantively by a separate Bill, and he confessed he thought it was a matter which Parliament should deal with.

MR. P. W. MARTIN said, he thought it unfair to take away the vintner's licences without due notice.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 97; Noes 90: Majority 7.

On Question that the Clause be added to the Bill—

MR. AYRTON said, that with regard to the allegations made by the Chancellor of the Exchequer, that his observations had no foundation in fact, he should contend that they were well-founded. As he understood, the Vice-Chancellors of the Universities of Oxford and Cambridge exercised an absolute discretion as to licensing all places for the sale of drinks of an intoxicating character; which discretional power it was proposed, under the present Bill, to retain. If this were a good Bill, and if, as was now declared, perfect free trade in wine was the best means of encouraging temperance, why should restraints continue to be imposed at Oxford and Cambridge, which were no longer to exist in any other part of the country? It was very desirable that the House should know what authority the Vice-Chancellors really possessed.

THE CHANCELLOR OF THE EXCHEQUER said, that when the Bill was about to be introduced, the Vice-Chancellor of Oxford wrote to him, and expressed his anxiety that the licensing power of the University, with respect to public-houses, should not be interfered with. He referred the matter to the Board of Inland Revenue, and they saw no objection whatever to this clause. But he certainly did not understand it would do anything more than reserve to the Vice-Chancellors the powers which they already possessed. If there was any reason for altering or modifying these powers, that question might be raised; but at present he was not aware of any sufficient grounds for interfering with them.

LORD JOHN MANNERS said, the real question was as to the extent of the powers which the Vice-Chancellors possessed, and which, according to the wording of the clause, were to be maintained.

MR. EDWIN JAMES said, there was a great anomaly in taking away the control of the magistrates generally as to licensing, at the same time that *quasi* magisterial powers of this nature were confirmed to the Vice-Chancellors of the Universities. The question, he might be permitted to say, had nothing to do with the Inland Revenue Department, notwithstanding the suggestion of the hon. Gentleman, who kept running up and down the House, the Secretary to the Treasury (Mr. Laing).

SIR GEORGE LEWIS said, the exemptions were taken almost exactly from those in the Sale of Beer and Cider Act, 1 *Wm.* IV., c. 64, which provided that nothing in the Act should affect the privileges of the Universities of Oxford and Cambridge.

LORD JOHN MANNERS said, he must again express a wish for information as to the powers reserved by the clause.

THE CHANCELLOR OF THE EXCHEQUER said, he owed an apology to the

noble Lord. Upon inquiry he found that the powers of the Vice-Chancellors of the Universities were larger than he had supposed. At the same time he thought that the House could not do otherwise than give them, under this Bill, the same authority which they enjoyed under the Beer Act.

MR. AYRTON said, he was sorry to hear the Beer Act quoted as a precedent. The Beer Act was the last desperate effort of a corrupt House of Commons to pacify a people who were asking for Parliamentary Reform, and had proved a total failure. After thirty years the people were asking for Parliamentary Reform again, and they were offered free trade in wine instead. The real spirit in which the Beer Act was passed, was made more obvious by the exemption of the Universities. If the present Bill would not be injurious to the sons of the people, why should it be injurious to the sons of the wealthy at the Universities? Unless the clause was amended, so as to give to the Vice-Chancellors only the same power as was conferred upon justices of the peace, he should divide against it.

VISCOUNT PALMERSTON said, that Oxford and Cambridge were in a different position from other towns, because the discipline of the students was involved in the authority which was invested in the Vice-Chancellors for maintaining order in those places. On that account they had conferred upon them powers with regard to places of public resort and refreshment which were not needed in other towns. He hoped hon. Members would not lightly be induced to agree with the hon. and learned Gentleman to deprive the Vice-Chancellors of those powers.

MR. SPOONER said, he quite agreed with what had fallen from the noble Lord with regard to the Universities; but what did his remarks say for the Bill? He believed it to be a bad Bill. The Government said it was a good one; and yet it now appeared they were afraid to entrust its working in the University towns.

SIR GEORGE LEWIS said, that the hon. Gentleman had mistaken the tenor of the noble Lord's observations. That it was necessary that the Vice-Chancellors should have special powers for the maintenance of academic discipline, did not prove that this was a bad Bill.

LORD ROBERT MONTAGU inquired whether the right hon. Gentleman intended to leave in the hands of the Mayor of St. Albans a power of which he deprived all other magistrates?

SIR MINTO FARQUHAR asked what object the Chancellor of the Exchequer could have in excepting the University towns from the operations of this Bill, if it was really a measure for the promotion of temperance and sobriety.

THE CHANCELLOR OF THE EXCHEQUER said, that although this might be a measure for the promotion of temperance and sobriety in places where the present system of licensed public-houses and beer-shops was in full force, it did not follow that it would be desirable to refuse to the Vice-Chancellors the power which they at present enjoyed with regard to that system, and which was necessary in order to maintain discipline among a body of 1,500 or 2,000 young men, who, from the period of life at which they had arrived, were peculiarly exposed to temptation. He did not wish to exclude these houses from Oxford and Cambridge, but only to leave it to the discretion of the University authorities to decide whether or not they should be introduced into those places.

MR. HENLEY said, the noble Lord and the right hon. Gentleman had now put the clause on an intelligible ground. He quite agreed that some discretion should be allowed to the Vice-Chancellors, but he would remind the Committee that with respect to Oxford, at least, the limits of their jurisdiction were very narrow, and the public-houses round them were not few. The practices to which hon. Members had referred were not done in the High Street, but just outside the Vice-Chancellor's circle, where the powers of the magistrates were very limited. Hitherto the magistrates and the Vice-Chancellors had got on together very well; but he feared if this Bill passed in its entirety the clause that saved the rights of the Vice-Chancellors would be mere waste paper.

MR. DARBY GRIFFITH remarked, that he could see no peculiar virtue in the borough of St. Albans which entitled its magistracy to any special favour under this Bill.

MR. MACAULAY said, that the powers exercised over the town by charter or otherwise by the University of Cambridge had been made the subject of agreement between the University and the town some years ago, under the arbitration of Sir J. Pateson, which had since been turned into an Act of Parliament. If that had worked with perfect satisfaction to both parties, anything in this Bill which would disturb any part of the arrangement must be

viewed both by the town and university as a very great misfortune.

THE SOLICITOR GENERAL said, that with reference to the University authorities and the commoners, the company of vinters, and that remarkable body the mayor and burgesses of the borough of St. Albans, this clause in no way enlarged any more than it diminished their authorities and rights. If hon. Members referred to the twentieth line, they would observe the expression after the words rights and privileges "as by law possessed."

MR. WALPOLE said, the award of Sir J. Patteson, as between the powers of the University and the town authorities of Cambridge, operated so satisfactorily to both parties that it ought not even inferentially to be disturbed.

Clause *agreed to.*

Clause 36.

MR. AYRTON said, that no part of Her Majesty's dominions so much required a measure for promoting temperance as Scotland. One of the ostensible objects of this Bill being to check the consumption of ardent spirits, it was surprising that it had not been brought in for Scotland in the first instance rather than for England. While England, with her population of 19,000,000, consumed 12,000,000 gallons of spirits annually; Scotland, on the other hand, with a population of only 3,000,000, consumed nearly 6,000,000 gallons. Moreover, one-half of all the shops in Scotland of £20 in annual value were public-houses. The efforts of many gentlemen connected with the various religious denominations in Scotland had been devoted to the promotion of temperance; and yet, strange to say, when a legislative measure was proposed to assist that cause, Scotland was wholly excluded from its operation. The licensing system and other circumstances of Scotland were very much identical with those of England; and he would therefore move that this Bill be extended to that country.

LORD FERMOY said, he also wished to hear from the Government why they had omitted Ireland from the Bill. He advocated its extension to Ireland for a different reason from that just urged in the case of Scotland. Of late years the people of Ireland had become much more moderate in their potations, and it was only fair that they should enjoy the same chance of obtaining cheap claret as their English fellow-subjects.

MR. BLACK said, that Scotland might not have a very good name for its temperance, but it was quite impossible that its people could consume the 6,000,000 gallons of spirits which the hon. Member for the Tower Hamlets had allotted to them. Much of the whisky distilled in Scotland crossed the Border into England, and some of it even reached the Continent. He saw no reason, however, why the benefits of this measure should not be extended to Scotland; but it would not be fair to include that country within its provisions now, because no notice had been given of the intention to make any proposal of that kind. Such a step ought not to be taken without allowing the people of Scotland an opportunity for its full consideration.

THE CHANCELLOR OF THE EXCHEQUER said, it was usual, if Parliament accepted a Bill of that nature in principle for England, for an analogous measure to be applied to Scotland and Ireland. When this Bill was drawn he accordingly brought the subject immediately under the notice of the Irish Government, and also of his learned Friend the Lord Advocate; and he understood from the Chief Secretary and the Attorney General for Ireland that there would be little difficulty in adapting its provisions to that country. He was not sure whether they had a measure ready for that purpose, but he believed there would be no reason for delaying its introduction. The case of Scotland was rather different, because the subject there had recently been investigated by a Commission, whose report was not yet in the hands of hon. Members. True, the Scottish licensed victuallers were not of the same mind as their brethren in England, having petitioned in favour of a Bill of that kind. But the whole law of Scotland was very different from ours, and some time would have to elapse before any positive decision was come to with respect to that country.

MR. M'CANN said, the Irish Members had all through supported this Bill.—["No!"] At least, all of them who knew the people of Ireland best had done so. As an Irishman himself, he trusted the measure would be soon extended to Ireland. In fact, a great deal of trouble would be saved by putting the word "Ireland" in the Bill now, and extending its provisions at once to that country.

COLONEL DUNNE remarked that, no part of the kingdom had so generally opposed the rash and dangerous measures of the Chancellor of the Exchequer as Ireland. A general impression prevailed that this

Bill would not be extended to Ireland, or it would have been much more stoutly opposed. He certainly would oppose it in every form if it were intended to apply to Ireland.

SIR EDWARD GROGAN said, it had at first been understood that the Bill was to extend to Ireland; and the consequence was that a considerable agitation had been got up in that country against the measure. That agitation had only ceased on an intimation being given that Ireland was not to be comprehended within the Bill, and it would amount almost to a breach of faith to set aside that understanding.

MR. M'CANN said, that he had heard of no such agitation as the hon. Member for Dublin had mentioned. He believed the feeling of the people of Ireland to be in favour of this measure, and he moved that the word "Ireland" be omitted from the clause.

MR. BLACKBURN said, the law in Scotland was so different from that of England with respect to licences that the utmost confusion would result from extending the Bill at once to Scotland. There was no desire on the part of the Scotch Members to oppose its extension to Scotland, but that could not be done by merely striking out the word "Scotland."

SIR GEORGE LEWIS observed, that the whole Bill had been framed with reference to England alone. If it was to extend to Scotland, it would be necessary to insert wholly new clauses. It would introduce great confusion into the law of Scotland. If the House thought it desirable at once to extend the measure to Scotland and Ireland, it would be necessary to bring up a whole set of clauses and add them to the Bill.

MR. M'CANN said, he would withdraw his Amendment, on the distinct understanding that it was seriously intended to extend the provisions of the Bill to Ireland.

Amendment by leave *withdrawn.*

MR. HENLEY said, he believed that whether the Bill was a good or a bad one, Irish Members might rest assured that it would be extended to their country. He remembered that those hon. Gentlemen had at one time congratulated themselves on the fact that the income tax was not to be extended to Ireland; but the Chancellor of the Exchequer had "let them in" upon that question; and he (Mr. Henley) had no doubt that the right hon. Gentleman would also give them the advantages or the disadvantages of his Wine Licences Bill.

MR. AYRTON said, he would not press his Amendment, as he understood that the Government were pledged to extend the measure, at a fitting opportunity, both to Scotland and to Ireland.

COLONEL DUNNE said, he hoped the Government had given no such pledge.

Amendment by leave *withdrawn.*

Clause *ordered* to stand part of the Bill.

Additional Clause.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to propose a clause in lieu of Clause 12, which had been postponed. The new clause was, in fact, the same as Clause 12, with amendments. There was one point which they discussed at some length on a former occasion—namely, the question whether, within the limits of the Metropolis, the power of veto, and the hearing of parties who applied for licences, should be lodged in the hands of the police magistrates, or of the Middlesex magistrates. The Government were of opinion that that power should be lodged in the hands of the police magistrates for the reasons which they gave at the time, and likewise for other reasons. The Government were informed that it would be very inconvenient to place that power in the hands of the Middlesex magistrates, inasmuch as they had not petty sessions, as was the case in other parts of the country. In fact, they had not the machinery that would be requisite for working a Bill of this nature.

MR. AYRTON said, he could conceive no possible reason why the Metropolis should be subjected to a kind of despotism from which all the rest of the country was exempted. For a long time past the justices of the peace had discharged the functions of licensing magistrates, and had all the requisite machinery in their hands. The magistrates of police held office at the pleasure of the Secretary for the Home Department, and could only see through the eyes of the police, while the justices of the peace discharged their functions as members of society generally, without any particular bias. He hoped the Committee would not sanction a system which, if once adopted, must extend to all places where there were stipendiary magistrates. He would, therefore, propose as an Amendment that the notices of application for licences should be given to the justices of the peace who had hitherto discharged analogous duties in the Metropolis.

SIR GEORGE LEWIS said, the hon. Member for the Tower Hamlets was quite

in error in supposing that the position of the stipendiary magistrates in London was the same as that of stipendiary magistrates in Manchester, Liverpool, and other places. In London the power of the police magistrates was exclusive in their own districts. They did not sit with the other magistrates. But in Liverpool, Manchester, and elsewhere the stipendiary magistrates sat with the others, and exercised a concurrent jurisdiction with them. This clause was prepared with a view of meeting this difference of circumstances. The hon. Gentleman said that the stipendiary magistrates in Middlesex were in the power of the Crown, and seemed to think that it was the constant habit of the Executive to interfere with their functions. He (Sir G. Lewis) was not aware of any instance in which the Secretary of State had interfered with the stipendiary magistrates. Practically their position was the same as that of a judge at common law. As to the notion of the Commissioners of the Metropolitan Police having any control over the stipendiary magistrates, it was a perfect chimera. The title of inspectors of police might have a formidable sound in the ears of the Committee, but they were only officers over the main body of the police; and they possessed no control over the magistrates. He thought there was no ground for the objection of the hon. Gentleman.

SIR WILLIAM MILES said, there seemed to be some difficulty in the case. He should be most happy to give the magistrates of Middlesex the same power that ordinary magistrates possessed, for he thought a purer body of men did not exist; but he foresaw a difficulty, if the Middlesex magistrates had a power of refusing licences, but not the power of enforcing the prescribed penalties.

MR. W. WILLIAMS said, that the Middlesex magistrates performed almost all the duties which were usually discharged by other magistrates throughout the country. They imposed fines, they licensed public-houses and slaughter-houses, granted game licences, and performed numerous other duties. They met in petty sessions, sometimes every fortnight, but at all events as often as circumstances required. He could fancy no reason for the course proposed to be taken by the Chancellor of the Exchequer, except that he feared that the Middlesex magistrates would be more strict in the granting of licences than would exactly suit his present purposes. The Middlesex magistrates were as competent to perform the functions in question as any magistrates in England, and certainly as the police magistrates.

MR. LAING said, a moment's consideration of the actual working of the machinery of the justices in the Metropolis would show that, without casting the slightest imputation upon them, no kind of supervision could be exercised by them in the granting of licences. The jurisdiction of the Middlesex magistrates was not concurrent with that of the police magistrates, who had ousted them from almost all authority except that of granting licences twice a year. The licences under the Bill would be granted in the first place by the Excise, subject to giving notice to the clerk of the justices of petty sessions holden within the district; but there were no petty sessions in Middlesex, and no clerk, no communication with the police, and therefore the effect of giving such power to the Middlesex justices would be that licences would be granted to all persons that would apply for them; or, instead of making the grant of wine licences a thing going on from month to month, they would have to assimilate it entirely to the granting of licences to public-houses, which were granted but once or twice annually.

MR. W. WILLIAMS said, he would beg leave to correct the hon. Gentleman. The Middlesex magistrates met most frequently in petty sessions, and had a regular clerk. In the district in which he resided, the magistrates had a clerk; their duties were most onerous, and embraced a variety of matters totally distinct from licensing—everything, in fact, except such duties as were performed by the police magistrates, which were very limited.

MR. NEWDEGATE said, he had been a magistrate of Middlesex for many years, but after all he had heard about them, he began to think himself a myth. He was not aware that the magistrates of Middlesex had no petty sessions, no clerk, and no connection with the police. The right hon. Gentleman seemed, in the eyes of the hon. Baronet (Sir W. Miles), invested with one of the Royal prerogatives—that he could do no wrong. Supposing it were true that an objection was made by one authority, and a penalty for abuse enforced by another, why that was the present state of the law, and was intended to be enforced under this Bill. His impression was, that the Middlesex magistrates, like those of other counties, were in the habit of making much closer investigations into character than

seemed fashionable with the Chancellor of Exchequer. He could see no validity in the objection, and agreed with the hon. Member for the Tower Hamlets that no reason had been shown why they should begin in this Bill thus to subvert the whole principle of local Government. He said nothing against stipendiary magistrates in the Metropolis, but that was a question of local Government. He spoke himself as a Middlesex magistrate who had once acted in behalf of the House, in 1848, when he was associated with another magistrate and swore in two-thirds of the special constables. The bench of the Middlesex magistrates was not, as the Home Secretary seemed to suppose, a defunct body, and if he would turn to the evidence of the chairman of the magistrates (Mr. Pownall) on the Beer Bill, he would find that the magistrates of Middlesex were not uninformed upon the subject of licensing.

SIR WILLIAM MILES said, he could assure his hon. Friend he had no intention to make any objection to the jurisdiction of the Middlesex magistrates. If they met especially for licensing, he would give them the power of objecting. But he wanted some information as to how often they met for the purpose of licensing. If they met once a month he would give them the power of objecting; but if only once or twice a year, it would be perfectly ridiculous, for, if the licences under the Bill were to be at all useful, they ought to be granted every week.

MR. NEWDEGATE said, that for all county business the Middlesex magistrates were more completely organized than any bench of magistrates in the United Kingdom. They were subdivided into committees, and met frequently, and they could, of course, meet any time for a particular purpose.

MR. PEACOCKE said, he hoped the House would show a distrust of any extension of the power of the stipendiary magistrates. It would be very dangerous to entrust them with county business, for it would be introducing the principle of centralization. He believed there was a strong feeling in every county that the magistrates of the county should not be superseded.

MR. BYNG said, he regretted the remark that had been made, to the effect that the stipendiary magistrates were too much under the control of the Home Office. But he would ask the Home Secretary whether the powers of the county magistrates were anything new, and whether he thought those powers had been abused? The Middlesex magistrates sat in petty sessions. They met to grant licences, and they had special sittings to hear appeals. Had the Chancellor of the Exchequer proposed to divest the magistrates of any other county of their powers, a loud storm would have been raised against the proposal.

MR. ALDERMAN SALOMONS said, the Middlesex magistrates met frequently, and did everything but administer justice. If for the first time these refreshment-houses were to be placed under the police magistrates, those able gentlemen would necessarily be guided by the police reports, and would not be able to institute those independent inquiries which the Middlesex magistrates would feel it their duty to institute.

MR. HENLEY said, he thought the Chancellor of the Exchequer and the Secretary to the Treasury had not been properly informed when they stated that the Middlesex magistrates had not the machinery requisite to carry out this measure. He wanted to know who regulated the transfer of licences. [Mr. Alderman SALOMONS: The Middlesex magistrates.] Then, if the Middlesex magistrates met to transfer licences, surely they could meet to grant licences. He hoped the Chancellor of the Exchequer would not cast such a reflection upon a body of magistrates and take away from them functions which it was shown they were competent to fulfil.

MR. BUTLER said, the Middlesex magistrates were not at all anxious to have these additional duties cast upon them, but he could not admit that they were not competent to them. The Secretary to the Treasury said there were no clerks to Petty Sessions upon whom the notices could be served; but that was not the fact. There were clerks to all the special divisional courts, and the magistrates held eight special meetings in the year for the purpose of licensing public-houses, besides other meetings throughout the year for the grant of game and slaughter-house licences, cases of weights and measures, highways, parochial assessments, and other business. It would be absurd to say that the Middlesex magistrates were not competent to fulfil all the duties of granting licences.

LORD JOHN MANNERS said, he thought it had been shown that the police magistrates had quite enough business to occupy them, and to confer upon them fresh duties would only be to impair their efficiency in other respects. If their duties

were to be taken away from the magistrates of Middlesex, could they stop there, and must not the whole licensing functions be transferred to the police magistrates? It would be said that the Middlesex magistrates were more severe or more lax than the police magistrates, and an argument would be raised for relieving them of those functions. He looked on this as a more important question than it appeared at first sight to be. He quite agreed with the hon. Gentleman who proposed the Amendment, and trusted the Committee would not sanction any departure from the recognized principles which had hitherto guided them.

THE CHANCELLOR OF THE EXCHEQUER said, the only wish of the Government was to place the power of licensing these houses in the hands of those who were most likely to perform the duties with care and circumspection, and he had been led to believe it would have been a mere sinecure in the hands of the Middlesex magistrates; but, as he found the feeling of the Committee was in the opposite direction, he had no hesitation in saying he was prepared to give way upon the point, and upon the Report he would move words to meet what he believed to be the wish of the Committee.

MR. HENLEY said, he wished to call the attention of the Committee to that part of the clause which gave the magistrates power to object. By the clause, if no objection was made by the magistrates within thirty days after the supervisor had sent them notice of the application for licences, it was granted. In many cases, however, Petty Sessions were not holden more than once a month, and therefore he thought the time allowed for objection was too short. There were no less than five causes on account of which the magistrates could object to a licence; that the house was not a confectioner's shop or eating-house; that the rental was not equal to the amount required; that it was disorderly; that it was frequented by prostitutes or bad characters, and that it was disqualified under the Act. Before the magistrates objected they were very properly required to summon the party against whom they were to object, and to state in the summons the grounds of the objection. But, he asked, were the magistrates themselves to be the objectors, or were they to object on information given them by somebody else? He thought it objectionable to make the magistrate the objector "on his own hook," and that the best plan would be for some person to raise objections before the magistrates. He did not see how the two clauses could be worked at all, and should like to hear the opinion of the Solicitor General on the point. As the Excise were the people who collected the money, perhaps they were the proper people to grant the licence; but he thought something like the recommendation of the Committee which sat on public-houses should be adopted in this case. That Committee recommended, if he recollected rightly, that the licence should be granted by the magistrates at Sessions; and he thought something like that would be the right course, because then the character of the applicant would be stated affirmatively, and not negatively, as would be the effect under the clause as it stood. The magistrates might grant a certificate, and upon that certificate being shown to the Excise, the licence might be granted at once. All that the Chancellor of the Exchequer required as to fitness of character could be then proved affirmatively by the parties themselves, instead of negatively, as was at present proposed. Negative proof amounted almost to nothing. The applicant would bring to the hearing certificates of character from persons who knew him, many of whom would be known to the magistrates, who would be able to say what credit was to be attached to their statements. The Committee on Public Houses also recommended that all applicants of good character should have a licence, and he thought they ought. Indeed, it was not often now that people of bad character applied for a licence; they knew that the proof of character required was such that they would not succeed; but the misfortune was that people of good character, having obtained a licence, often fell into a bad course of life afterwards. For the purpose of raising the question, he would move the omission of certain words, with the view to afford the Chancellor of the Exchequer an opportunity of recasting the clause so as to obviate the objections he had taken to it.

Amendment proposed, in lines 20 and 21, to leave out the words, "and every such duplicate."

THE CHANCELLOR OF THE EXCHEQUER said, he should be glad to hear the subject which had been mooted by the right hon. Gentleman discussed by the Committee, for the views he had expressed did not altogether carry conviction to his (the Chancellor of the Exchequer's) mind. He was surprised at the diposition shown by the right hon. Gentleman to attach great

value to the positive proof of character, for he had thought that certificates of that kind were now very much discredited. The right hon. Gentleman objected that the matters to be proved were all negative; but surely the fact that a house was disorderly, and that a man was disqualified for selling wine in consequence of having kept a disorderly house, were affirmative propositions. Some, no doubt, were negative, such as that a particular house was not an eating-house within the terms of the Act, or that the requisite amount of annual rent was not paid for the House; but these were all matters easily proved, and nothing would be easier than for the magistrates to make up their minds regarding them. The Committee to which the right hon. Gentleman referred recommended that the licences should issue from the magistrates, whereas the right hon. Gentleman proposed that it should issue from the Excise. He must say that the reasons given by the right hon. Gentleman were not sufficient to induce him to accede to his Amendment.

MR. ROEBUCK said, the right hon. Gentleman did not see the full force of the objection. The question seemed to be, who was to take the initiative. Should a person who wanted to take out a licence go to the Government office and say he intended to take out a licence, or should he be referred by that office to the magistrate, who should give him a certificate of character, so that in reality the issue was with the magistrate. He (Mr. Roebuck) believed the best way would be for the person to go to the Government office and say he wished to have a licence, and ask was there anybody who had an objection to him. He thought the onus of proving the objection ought to rest with the magistrate.

MR. C. P. VILLIERS observed, that he could assure the right hon. Gentleman that the whole tendency of the evidence taken before the Committee was to shake confidence in evidence of character; and that so far as magistrates had any rule in the granting of licences, they were guided by the necessities of the district. It was also given in evidence that there was no class of persons who so constantly changed their business as that of publicans.

MR. HENLEY said, it would ill become him to comment on the interpretation the right hon. Gentleman (Mr. Villiers) had given to his own Report. He (Mr. Henley) had spoken, not from the evidence, but from the Report. That Committee was unanimous, and the recommendation of the Committee was, that it should be open to all persons of character to obtain licences. He confessed he could not put the same construction on the Report which the right hon. Gentleman had done. He thought that, as far as they could get at a man's character, they should try to do so. It might not be of the greatest possible use, but it might, perhaps, be of some use.

SIR FRANCIS GOLDSMID said, there was a great distinction between the two propositions before the Committee. If they decided on an affirmative certificate they would continue the present system, which it was the object of this Bill to get rid of.

MR. SOTHERON ESTCOURT remarked, that the question to be decided was, which of these systems would be most effectual? He would undertake to say that the mode suggested by the Chancellor of the Exchequer would never bring into play that which he seemed to think was so desirable, because there was nothing so disagreeable as to be called upon to prove a negative. He would advise the House to adopt the suggestion of his right hon. Friend.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 124, Noes 104: Majority 20.

THE CHANCELLOR OF THE EXCHEQUER said, that as there was no prospect of getting through the remainder of the clauses on that occasion, he would suggest that the Chairman do report progress.

House resumed; Committee report Progress: to sit again on *Thursday.*

NUISANCES REMOVAL AND DISEASES PREVENTION BILL.—COMMITTEE.

Order for Committee read.

MR. LOWE said he would state, in a few words, the exact object of this Bill; but first he would mention what it would not do. It would not increase the central power of the substitute for the General Board of Health nor the local powers of local boards of health. Its object was simply to carry out the intentions of the existing law, which was that there should be in every place in England a local authority responsible for the health of the district. The present Act, passed in 1855, provided that wherever there was a Local Board of Health that should be the local authority for the Administration of the Act. In the absence of a Local Board of

Health, the municipal Council of the place was to be substituted; and, failing that, the Trustees or Commissioners for the purposes of local improvement. If there were none of these three, then the local authority was to be the highway board; if there was no highway board, it was to be the nuisances' removal committee, elected by the vestry, of which the surveyor of roads should be a member *ex-officio*. Should it happen that there was none of these five bodies, than the local authority was to devolve on the inspectors of lighting and watching, failing whom, the overseer of the poor, the guardian of the parish, and the surveyor of roads were to exercise the power. Such was the present law, and it worked very unsatisfactorily, as could readily be proved. There were in England and Wales 14,398 places, in each of which there ought to be a Local Board of Health. In each there was, of course, a local authority of some sort; and the test of its efficiency and utility was whether it complied with the first requisite of the Act—the appointment of a local medical officer. Only 2,005 out of the number he had mentioned, or one-seventh of the whole, had fulfilled that provision. So that six-sevenths of the whole local authorities in England had failed even to go as far in the discharge of their duties under the Act as to appoint a medical officer. The total number of places consisted of the following classes. There were 3,176 places of which they knew absolutely nothing, no returns having been furnished. In 2,099 places there was a local authority, of the exact character of which they were ignorant, although they believed it to be the committee of the guardians of the parish, the overseer of the parish, and the surveyor of roads. There were 6,216 places in which they knew that that committee constituted the local authority. That body, however, was much in want of organization, and never acted together. In fifty-seven places the local authority was the paving, lighting, and watching inspectors; in 1,715 the nuisances' removal commissioners; in 250 the highway board; in ninety-five the local improvement committee; in 679 the town council; and in 311 the Board of Health. The Boards of Health had complied with the first requisite of the Act in sixty-four out of every 100 cases; the town councils in eighty-four out of every 100; the improvement commissioners in seventy-nine out of every 100; and the nuisances' removal committees in forty-six out of every 100. The other bodies were very backward indeed in the discharge of this duty, the highway board having complied in only forty-four, the inspectors of lighting, &c., in twenty-one, and the guardians and overseers of parishes in twelve out of every 100 cases. The greater part of these local authorities were imperfectly organized, and quite unsuitable for the purposes of the Act. The consequence, of course, was that they discharged their duties in a very unsatisfactory manner. Acting on the best advice he could obtain he had introduced this Bill. It retained the three local authorities first named—the Local Board of Health, the municipal council, and the commissioners for local improvements. All the nuisances' removal committees were also retained who had complied with the Act in regard to the appointment of a medical officer. The other authorities, who had shown themselves so incompetent for the task of local management, he had dismissed altogether, and had taken the guardians of the parish as a substitute. That body had always a medical officer in their employment, who could be referred to when wanted, and having to relieve the poor were peculiarly fitted to conduct measures for the prevention of disease.

House in Committee.

Clause 1.

MR. KNIGHT said, he looked upon this Bill as a retrograde step in the way of legislation. The first Nuisances Bill was brought in in 1846. In 1848 that Bill was renewed. In 1849 another Bill was brought in which gave great power to the boards of guardians and the Poor Law Board. It gave great offence to the country, and had not the effect of removing any of the nuisances. In 1855 a Committee was appointed to inquire into the subject, over which Sir Benjamin Hall presided. Subsequently that right hon. Baronet, now Lord Llanover, brought in a Bill which proved most effective for its purposes. Every parish was bound to appoint a Nuisances Removal Committee, with the necessary powers. He hoped that this Bill would not be pressed forward, and he would suggest that the Measure should be postponed for a month at least, to give the public full opportunity of studying its provisions.

LORD FERMOY said, they had a statement from the hon. Gentleman which they should have had on the second reading. At that hour (twenty minutes to one o'clock) they could not go into the general

question, and he should move that the Chairman report progress.

MR. LOWE said, he would not oppose the Motion for reporting progress; but the admission made by the hon. Gentleman who spoke last but one showed that in a majority of instances the present machinery was defective.

House resumed; Committee report Progress; to sit again on *Thursday.*

MR. DROUGHT AND THE POST OFFICE.

RETURN MOVED FOR.

Order [19th April] for Returns relative thereto, read.

MR. LAING moved to discharge the Order of the 19th of April for a Return relative to Mr. Drought, and, instead thereof, to move for Copies of Correspondence between the Post Office and the Treasury, relative to the Grant of a Superannuation Allowance to Mr. Drought, late Surveyor of the Post Office Department in Ireland; and of the Correspondence which has taken place between Mr. Drought and the Post Office since he ceased to be an officer of that Department.

Motion made, and Question proposed, "That the said Order be discharged."

MR. HENNESSY said, he could not but express his surprise that the hon. Gentleman the Secretary to the Treasury should make this Motion. Mr. Drought, after thirty-six years in the public service, had been most unjustly dismissed. Since then he had held the office of high sheriff for the county which he had the honour to represent, and it was the opinion of the people that he had been most unfairly dealt with. He had asked for the particulars of his offence, but the Post Office authorities had decided that the evidence should only be published on one side, namely, the charges, and not the defence. The Return had been unopposed when he moved it.

MR. LAING said, that he believed that no Motion should be taken as unopposed at the commencement of business unless agreed to. He had referred to the correspondence and found that some of it was confidential, but the correspondence subsequent to his superannuation would be published, and he apprehended that the whole case would appear in that. But it was clear that all private correspondence between the officers of the Post Office and their surveyors, &c., could not be produced as upon an unopposed Motion.

MR. GREGORY said, it was exactly that correspondence which was refused by the Government that the friends of the gentleman who had been dismissed were most anxious to obtain. When it had been found that one of the officers in Mr. Drought's department had been removed from his office, of course that anxiety had been increased.

COLONEL DUNNE said, that he had some time back brought Mr. Drought's case before the authorities, and he repeated now what he had formerly stated, that it was not creditable to the Post Office authorities to refuse to produce that correspondence. If Mr. Drought deserved the censure that had been cast upon him, of course the correspondence would show that, and the Post Office officials would be exonerated from all imputation.

VISCOUNT PALMERSTON said, the papers had been moved for as an unopposed Return, whereas in point of fact the Government had not been prepared to grant them. The Motion had been agreed to through a misunderstanding, and he might add that Returns were frequently moved for on the allegation that they were unopposed, when really there was an objection to them. Moreover, he thought there should be some reserve exercised in producing correspondence respecting the character of particular individuals, because, if it were known that confidential letters from public officers might afterwards be produced in the House of Commons, it would be extremely difficult to get a sincere expression of their opinions, and so the public service would suffer.

Mr. HENNESSY said, that he had applied to the Post Office authorities, and they had expressly stated that there was no objection to produce the correspondence asked for.

MR. O'BRIEN said, that the public throughout King's County did not entertain the same affectionate regard for Mr. Drought as the hon. Member himself (Mr. Hennessy); but, on the ground of fair play, he hoped the correspondence would not be further refused.

MR. LAING said, he had no objection to produce all the letters which were not confidential.

LORD NAAS said, there could be no objection to producing the latter part of the correspondence.

MR. HENNESSY said, he should not give way.

LORD FERMOY moved the adjournment of the debate.

MR. HENNESSY said, he should not oppose the adjournment, but he should not give way in what he had asked for, and which he had obtained the order for as an unopposed Return.

MR. MALINS said, he thought the hon. Member for King's County should, on public grounds, be satisfied with all but the confidential correspondence.

Debate *Adjourned* till *To-morrow*.

House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, May 15, 1860.

MINUTES.] *Took the Oath*—The Earl of Harrowby.

Royal Assent.—Exchequer Bills (£13,230,000); Municipal Corporation Mortgages, &c; Inclosure; Marriages (England and Ireland); Dwellings for Labouring Classes (Ireland); Pawnbrokers Act Amendment; Customs.

INDIA.—PETITIONS.

MOTION FOR RETURNS.

THE MARQUESS OF CLANRICARDE *presented* two Petitions from India, which had been some time in his hands; but he the less regretted the delay that had occurred in their presentation, because the events which had taken place since the petitions had been in England would secure for them a greater degree of attention. One of the petitions emanated from Madras, and the other from Bombay, and they adverted to various subjects well deserving attention, and which must meet with attention from the Government in this country and the Government in India if it were desired to retain the Empire of India. Their Lordships had seen into what a condition India had been brought, and if they reflected on what had taken place within the last few years, they would acknowledge that no misfortune had occurred in that country which had not been clearly predicted both in India and in England; and that it was owing to their neglect to take those steps which were necessary for the reform of the Indian government and administration, that much that had happened was due. The first petition he had to present came from Bombay, and he regretted the rule of their Lordships' House which prevented any petition from being printed, because he should have been glad if the sentiments expressed by these Natives could have been read by their Lordships in their own words. He would shortly mention the heads of the matters to which the petitioners prayed attention. They prayed for a reduction and reform of the public expenditure; for a settlement of the relations between the Imperial Government and the Native Principalities; the settlement of claims relating to the tenure of land; the construction of public works; for the promotion of education; an improved administration of justice; a re-construction of the Legislative Council; and the appointment of non-official and independent Members, with separate Councils for each Presidency. The petitioners also prayed that a Royal Commission should be sent out to India to investigate these subjects and report thereon. The other petition, from Madras, related more exclusively to two subjects, and to those he should chiefly confine his observations. The Madras petition adverted first to the question of finance, and next to the administration of justice and the composition of the Legislative Council. The plan they recommended for the legislative body of India was not one to which he could give his entire support; but, as the statement came from Natives of India, it well deserved their Lordships' consideration. They proposed that each Presidency should have one Executive Council and Legislative Council, consisting of the Governor and his Cabinet, the Chief Justice, and a certain number of non-official Members, nominated by the Governor, but not removable, except on the unanimous vote of the Council. The petitioners suggested that there should be a Supreme Council for Imperial measures, while the local Governments should apply themselves to what might be properly termed local questions. He did not entirely concur in that suggestion, but, as it proceeded from a body of highly intelligent Natives, it well deserved their Lordships' consideration. The matters to which he wished particularly to direct their Lordships' attention were connected with the administration of justice and the formation of the Legislative Council. The conviction of the necessity of an efficient administration of justice in India had been forced on the mind of every one by events which had latterly taken place in connection with the indigo cultivators. The state of the local courts in the country parts of India and the

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total absence of anything that deserved the name of administration of justice were not new matters, but had been repeatedly forced on the attention of Parliament. These courts had been described by the late Lieutenant-Governor, Mr. Halliday, as the terror of honest and well-disposed people. The cultivation of indigo was very valuable, and had always been encouraged by the Government of India, and by the authorities connected with that country; and these occurrences, to which he should call attention, had not taken place in any remote or semi-barbarous district, but from within 40, 50, and 100 miles from Calcutta. These things could not have happened if the Government, at home and in India, instead of seeking to extend their possessions, had attended to the proper administration of the countries under their control. As it was, they were a disgrace to the Indian and the English Government. The indigo planters having invested their capital in the cultivation, deserved protection; but everything was not to be sacrificed to their interests. The Natives in many instances had been treated like slaves; while, on the other hand, the planters had not received proper protection. The time had now arrived when the condition of both should be thoroughly investigated, and when a permanent remedy should be applied. The possessors of factories in India could derive very large profits from these establishments, provided they were assured of a sufficient supply of indigo at certain prices. But the Natives were averse to the cultivation of indigo, which they found very troublesome, and not profitable to themselves. Nevertheless, they were in some sort compelled to enter into contracts for the production of a certain amount of indigo at a certain price. Of course, the Englishman endeavoured to drive a good bargain for himself; but, on the other hand, the Native was excessively cunning, and anxious to evade as much of the contract as he could. The result was that hardly a single indigo contract was carried out fairly on both sides. Under these circumstances the European planter, unable to enforce his rights in a court of justice, frequently had recourse to the most violent and unjustifiable measures. He maltreated the Natives in a way paralleled only by the most barbarous treatment of slaves. On the other hand, the Natives sometimes attacked the factories of their oppressors, and in these conflicts much property and some lives had been destroyed. While the Lieutenant Governor of Bengal was on a recent visit to the indigo districts petitions were addressed to him by the Natives, setting forth the tyranny and oppression to which they were subjected, and praying for redress. The Lieutenant Governor ordered a Report to be made to him on the subject, and the result was the publication of a notification in the shape of an instruction to the police of the district which had since been made the excuse for all the occurrences that had taken place, but there seemed nothing objectionable in that document. It was to the effect that persons should not be forced to enter into contracts against their will; that when a Native failed in his contract the other party should not seize his land, far less injure his person, but take civil action against him; and in short that both parties were entitled to the protection of the law. Upon this, so little used were the Natives to the fair administration of justice, there arose a rumour that the Government were in favour of the non-cultivation of indigo, and, under the idea that they would not be punished for non-performance of contract they attacked the factories of the planters, who had had recourse to violence, destroying a considerable amount of property. The consequence was, that the Legislative Council in Calcutta hastily enacted a law whereby any man guilty of breach of contract was declared punishable as for a criminal offence—a law quite unparalleled in its nature, especially since it was to be put in force by the magistrates upon the mere deposition of a planter. Last autumn a case was brought under the notice of the Lieutenant Governor in which a planter, having made a descent upon a Native village, drove the inhabitants into his factory and there flogged them with his own hand. But this was not the worst feature of the case. Complaint was thereupon made to a Native magistrate—one of those officials whom we would not allow to have jurisdiction over our own countrymen—who punished those of his own countrymen who had been engaged in the outrage, and ordered that the planter should pay the damage done to the sacked village. But his sentence was reversed by a European magistrate. This was not a question of peasants refusing to fulfil a contract, but one of the peasants refusing to enter into a contract, and an outrage committed upon them in consequence. An individual who had been subjected to the ill-treatment

he had just narrated was not forthcoming on the trial, the reason was the poor creature was dead. The whole punishment inflicted on the man that had in fact murdered him was a fine of £30. It was said in a public document that the peasants were inclined to evade the fulfilment of the contracts, and that if a pressure were not put upon them they would ruin the planters. The indigo contracts were very numerous. Mr. Furlong, the agent of a large London company, held no fewer than 1,900, which under the present existing law might have to be enforced in courts notoriously corrupt. So bad, indeed, were those courts that Europeans had almost risen to insurrection whenever it had been proposed to subject them to their jurisdiction. The consequence was, that at this an European, who was charged with committing perjury in the interior of the country, had to be taken to Calcutta for examination, and it was stated that the cost of his trial would be no less than £3,000! Considering the difference between the treatment of Natives and Europeans he was not surprised that under extraordinary circumstances the Legislative Council should have passed such an exceptional law with regard to contracts made with the ryots. Nor was it only the lower classes of Natives who were exposed to this oppression. Even the highest zemindars and rajahs who were subject to our jurisdiction suffered from the maladministration of the law, as was shown by the numerous appeals which were brought to this country, and which invariably terminated in favour of the Native suitor. In one of these cases Lord Kingsdown, in giving judgment, charged the Indian Government with having suppressed documents, and with having, with a view to obtaining a judgment in its favour, brought the case before fresh Judge snominated by the Government in the same court after former Judges, who were removed, had decided against it. Yet we were the people whose sense of justice was so great, and our practice of it so evident, that we pretended to be justified in excluding the Natives from the judicial bench, and that all men ought to receive the decrees of our Courts without a murmur! The petition also prayed for an alteration of the legislative body. Although he was himself of opinion that more depended upon the administration of the law than upon its enactments, yet he thought that the state of our finances in India, and the differences which had recently arisen between the authorities there, showed that an improvement was required in the composition and working of the Legislative Council. Their Lordships were aware that Mr. Wilson had produced a plan for improving the financial condition of our Indian empire, and that both the inferior Governments more or less objected to it. One of the Lieutenant Governors had risen in insubordination, and had not only pointed out to the Governor General and to the Legislative Council in Calcutta, but had pleaded *coram populo* against his Superiors, and had stated that the plan of taxation which was proposed would be both impracticable and mischievous. It seemed to be impossible that after this Mr. Wilson's plan should be adopted without some modifications; and this and the other House of Parliament had a right to know what the Home authorities as well as those of India thought upon the subject, what were the opinions of the Indian Council, and what was that of the Secretary of State, and they were bound to express their judgment upon this most important and vital question which had been brought before the British public and the British Legislature. He need make no condemnatory remarks upon the conduct of Sir Charles Trevelyan in publishing his Minute. His conduct had already been condemned by the Government, and he had been recalled; nor did he think it was possible, whatever might be the view taken of the opinions expressed in that most able paper, that the Ministry could have taken any other course. But, looking to the organization and action of the Legislative Council, there was some excuse to be made for the course which had been pursued. Mr. Wilson published both his speech and his plan, and invited discussion upon it, and said he rejoiced that there was a public press in India. The whole tenour of his speech, indeed, was that of a man who courted public discussion. That being so, what was Sir Charles Trevelyan to do under the circumstances? In point of fact he had no *locus standi* in the Council, although certainly there was in that body what was called a Member for Madras—namely, a European gentleman who, as far as his connection with that Presidency was concerned, might as well sit for Manchester as for Madras. It would have been competent for that gentleman to have made an answer to Mr. Wilson's speech on the spot, if he differed from him in opinion,

and in that way to have proclaimed the existence of dissensions, not, indeed, between Members of the Government, but in the much more decent form of differences of opinion in the Legislature. Nevertheless, it was quite clear that Mr. Wilson invited controversy, and so far it was open to Sir Charles Trevelyan to enter into it. Sir Charles had, however, adopted controversy in a shape which all must condemn. The anomaly of the Governor of a subordinate Presidency appealing to public opinion against the proposals of the Supreme Government could only have occurred under the absurd system of Government which prevailed in India. There was no parallel for it in the history of any other country. But Sir Charles Trevelyan said the scheme would not only create discontent among the people of Madras, but would put an end to all the improvements now in progress in that Presidency. Sir Charles Trevelyan had dealt with great ability as an administrator with one of the subjects mentioned in these petitions—namely, the tenure of land free from taxation, and had attempted improvements in relation to it, which, he now alleged, would be much prejudiced by Mr. Wilson's scheme, and especially by the proposed income tax. Whether that assertion was well or ill-founded, he knew not; but the matter having been ventilated in India, it ought to be taken up and discussed by Parliament, instead of being left to be settled by the Indian Legislature alone. These extraordinary circumstances and unparalleled events told strongly in favour of a proposition contained in one of the petitions that he had presented to their Lordships. The petitioners laid great stress upon having local Legislatures and to a certain degree representative Government. In that opinion he himself to some extent concurred. To think of attaining that object by means of the debating society of a few gentlemen who composed the Legislative Council was quite preposterous. Our greatest mistake had been the attempt to legislate through such a body for India as a whole. To attempt to do so was to attempt to deal with an empire of the vastest extent and of endless diversity of circumstances in the same way as they might legislate for the Isle of Man or some other of our smallest possessions. It might or might not be desirable to establish an income tax in India, but that they would be able to introduce it all at once over the whole of that country, and to carry it out effectively, he gravely questioned. All authorities agreed in thinking that the expense of collection would render it comparatively and at first unproductive. The Correspondence for which he had now to move would, he believed, throw considerable light on matters which deserved their Lordships' serious attention. He was convinced that our Indian Empire was in very serious jeopardy. It was impossible to continue, as we had hitherto done, in a system by which the Natives were excluded from the higher offices of every kind. There was no example in history of any nation having been so ruled. We might send out our Governors, Pro Consuls, and Viceroys, but to attempt to govern upwards of 160,000,000 of people without admitting any individual among them to have a share, either here or in that country, in their own government, was an experiment which had yet to be tried, and which he was sure would never succeed. The noble Marquess concluded by presenting a Petition from Inhabitants of Madras praying for Alterations in the present Scheme of Indian Government, and that each Presidency may have its own Legislative Council; another from Native Inhabitants of the Town and Island of Bombay for Inquiry into the system of Taxation and Finance in India, with a view to its Amendment; and by moving, That an humble Address be presented to Her Majesty, for

"Despatch from Mr. E. H. Lushington to the Commissioner of the Nuddea District, dated 23rd October, 1859, and relating to the treatment of Natives by European Planters in India:

"Also, Report of Mr. Reid to the Lieutenant Governor, referred to in the above-mentioned Despatch:

"And to present a Petition from certain Natives of India, praying for legal Reforms and for their admission into higher offices of Government than are now opened to them."

THE EARL OF ELLENBOROUGH said, he was quite aware that their Lordships could not generally be expected to follow the course of events in India; but, while everything in that vast empire was of the greatest importance, it could not but be a matter of the deepest interest to consider the formation of a Legislative Council:—the quarrels indeed between the indigo planters and the ryots raise questions of great interest but of far less Imperial importance. The first point in the speech of the noble Marquess related to the state of the Legislative Council. Their Lordships would recollect that before the Act of 1833,

the whole Legislative authority resided in the Governor General in Council. In 1853 it was determined to establish a Legislative Council, to consist of the Governor General and the several Members of his Executive Council—including a legal gentleman, who was at the time a Member of Council, and whose place is now taken by a financial Gentleman, much, he thought, to the advantage of the Government; further, there were two Judges, and some gentlemen representing the subordinate Presidencies. The total number of Members was only twelve, of whom three were legal gentlemen; if the same proportion were observed in the composition of their Lordships' House they would have at least 100 noble and learned Lords to assist in their deliberations. But there was this peculiarity in the constitution of the Legislative Council in respect of these three Members, that unless one of them were present no business could be transacted; so that these legal Members practically had a negative over the whole legislation for India, because they had only to stay away and no law could be enacted. He admitted that the Members of the Legislative Council had been very fairly and properly selected, and that they were all personally very respectable Gentlemen. The Legislative Council carried on its discussions in public, and its debates were to some extent reported. But he could not conceal from himself—he thought no man at all acquainted with the subject could conceal from himself—that it had been altogether a failure—that it had not succeeded in acquiring the confidence of the public. Various propositions had been made for extending the Council by adding to it persons unconnected with the Government, and particularly from among the Natives. He had considered the subject, and after mature consideration he thought there were two principal points involved in the question, and which should be considered in any future arrangements. First, it was absolutely necessary in India that the Governor General and his Executive Council should have the power of passing instanter any Act of Parliament that was absolutely necessary at the time for the service and safety of the public—the whole of the responsibility resting on them. But the Governor General in Council was very greatly in want of a consultative Council, with whom he might communicate on any matter in connection with measures on which he desired to form an opinion, with a view to having any subject to be laid before the Legislature well canvassed, and discussed preparatory to legislation. He thought that nothing could be more desirable than to establish a consultative Council, to which, under all ordinary circumstances, every Bill should be submitted; but that it should be made absolutely necessary, under all circumstances and on all occasions, to submit for the opinion and report of such Council, any measure in the slightest degree affecting the laws, customs, and religion of the people of India. He would also have that consultative Council composed, to a considerable extent, of Natives. Undoubtedly members of the Government should be members of the Consultative Council, which should also embrace the Secretaries of the Government To these, he thought, should be added ten or twelve European gentlemen of distinguished character, engaged in business in the country, and not having a salary, but attending as independent persons and giving their opinions; and he would have at least an equal number of Native gentlemen, of equal respectabilty, equally connected with business in the country, and whose presence in such a Council was, he thought, absolutely essential to the good Government of India. It was impossible for him to express himself too strongly on the matter, when he saw measures affecting in the highest degree the religious feelings and prejudices of the people had been submitted to a few Englishmen and decided according to English notions. He saw three great measures of taxation, all novel in themselves and involving most important points of political economy, submitted at once to the decision of a few English gentlemen whose judgment must be founded on English notions of taxation, although their decisions affected not only the interests but the peace and security of the country, and the permanence of our dominion—and that decision would be given in the absence of a single Native out of 120,000,000 of people. This was a monstrous inconsistency, and contrary to all views that we ought to entertain upon the subject of just and beneficial legislation for India. The noble Marquess had adverted to another subject of interest and importance, the disturbances in a considerable part of the Bengal Presidency, and the differences that existed between the planters and the ryots. The noble Marquess had spoken in terms of strong condemnation of the planters. He (the Earl of Ellenborough) had read both sides

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of the question. He had read a great deal written—it was said by the missionaries; how that might be he knew not—inveighing strongly against the planters. If all that was said on that side was to be believed the relations of the planters and the ryots resembled that of the Barons and the villains in the reign of Stephen. On the other side, he had read the newspapers in the interest of the planters, and to read them their Lordships might be led to believe that there was not a more beneficent class of persons—that they were a species of Providence to the people of India, and that they alone maintained the progress and prosperity of that empire. He did not intend to take part with either of these extreme parties. What he believed was, that there was as much variety among planters as there was among parties engaged in other pursuits. There were some gentlemen of considerable landed property, substantial gentlemen, who resided on their own estates and collected the product of their own lands, who made advances to the Natives by whom the indigo was cultivated, who lived as gentlemen did in England, amid their property and speculations, and who behaved as English gentlemen did. But many of the persons who carry on these speculations were not persons of property at all; they either carried on their operations with borrowed money, or were only the agents of others, who themselves were operating with money borrowed from bankers and others; who again held the money of their constituents, and who, while they paid considerable interest to their constituents, exacted larger interest from the speculators. Under these circumstances it was not a matter of surprise that there should be in some, perhaps in many cases, much violence on the part of the planters, as well as fraud on the part of the ryots. But this was clear, that if a ryot once received any advance whatever, it was a rare thing for him ever to get out of it—he was, comparatively speaking, a prisoner for life. And not only was it so with the unfortunate ryot, but the gentleman did the same thing, and he in his turn hardly ever got out of the hands of the man who first lent the money. There he remained to the termination of the service an indebted and miserable man. This he feared very much was the condition of the parties. But that of which both ryots and planters complained was that neither could get justice—*Nulli negabimus, nulli differemus justitiam*—was one of the great promises of Magna Charta. There was in fact a refusal of justice—or a delay of sixteen months, which was practically a refusal of justice. He had endeavoured to look round and ascertain in what way this difficulty could be dealt with. If the income-tax were established—but he believed that it would be perfectly impracticable even if passed by an Act of the Legislative Council to carry it into effect; but if it were established, he thought 1 per cent out of the four to be raised on the property of India would be much better employed in improving the administration of justice, than if it were placed in the hands of the municipal authorities to improve the comforts, convenience, and accommodation of the persons residing in particular municipalities. The first desideratum of all was to give justice; and how was justice to be given? He believed that in a country like India really strict justice was only to be given by means of circuit Judges, and that it was contrary to reason to expect that a man who lived on the most intimate terms with a gentleman who was to come before him as a plaintiff or a defendant, and who went from his table to the judgment seat—it was difficult to suppose that he would give equal justice between the ryots and that gentleman; but of this they might be quite sure, that the ryot never would believe that justice had been done. Thus, all confidence in the administration of justice was destroyed; and in the administration of justice confidence was almost of as much value as the bestowal of justice itself. He thought that in all possible cases the difference between the planters and the ryots should be decided by circuit Judges, going round frequently, and not by resident magistrates. There was another suggestion which he thought well worthy of the consideration of Her Majesty's Government. They would recollect that in former and not very distant times there were created protectors of slaves and afterwards of Coolies in the different colonies. He had always understood that the action of that system was productive of great benefit to those on whom its protection was conferred. He certainly thought it was most desirable that Her Majesty's Government should communicate with those Gentlemen who were acquainted with the state of those parts of India in which the indigo and other English speculations were carried on, and with those who had seen the system of protectors in the West Indies and else-

where in practical operation, with a view to consider whether it was not possible to apply the system to India. He did not mean that they should have legal authority but that they should act under the instructions of the Government, and be the friends of the Natives, to advise them in their difficulties, and endeavour, when disputes arose between the planters and the cultivators, to bring about a compromise. There was another point to which he would refer with great regret; but as it had been mentioned, he would not decline to express his opinion on the subject. It was impossible for any one to feel deeper regret than he did at the loss to India of the services of Sir Charles Trevelyan. Of all the men who had been sent in recent times to India, he appeared better qualified than any for the position he filled. By his antecedents, by his long residence in India, and his long public services in that country, he had secured the highest confidence in the discharge of the most important functions. He was then, too, at a period of life when a man's feelings were warm, when he acquired attachment to those amongst whom he moved and lived, and when he had acquired a strong feeling of friendship and regard for the people. Since that time he has in this country, under successive Governments, exercised the highest functions, with the highest approbation, and has shown the great est zeal, as well as the greatest executive ability and aptitude; combining with it a knowledge of India, and a regard for its people, with all that could be acquired for the purpose by European practice. With all these advantages combined, Sir Charles Trevelyan, of all men, he imagined, was the man most qualified to exercise the authority and to fill the position of Governor of Madras. Sir Charles appeared to him to have remained to the last what he was from the first. He first distinguished himself by an investigation of a most important character, with respect to which it was his duty to pronounce an opinion for the consideration of the Government. And he did so without regard to his own personal interest, risking everything for the public service. He remained to the end the same; and seeing, as he thought, a great danger to the people committed to his charge, at every risk to himself he determined, if he could, to stay the pestilence, and save the people. Whatever they might think of official indiscretion and irregularity, it was impossible not to honour the feeling of the man, and be satisfied that to the last moment of his life he would look back to that act as that of which he might be most proud; because it was the greatest personal sacrifice to himself, that enabled him, as he thought, to do the greatest service to his country. He desired to stay the plague and peril. It was not so much in what he said against the proposed system of taxation that there was danger, but in neglecting his advice with respect to it. By his advice, if attended to, the danger will be averted. As to what the noble Marquess has said of the Legislative Council, there was in that Council a Madras representative. Why was he there? For the sole purpose of explaining to the Supreme Government all the circumstances connected with his Presidency: of showing in what manner their legislation would act upon its inhabitants; and of upholding, not only his own views, but those of the Government which he represented. Now, had Sir Charles Trevelyan instructed the gentleman who occupied that position to read to the Legislative Council his own Minute, as well as the Minutes of the other Members of the Council of Madras, and had he, in obedience to those instructions, read these documents and moved for their production, and spoken in the censure of the Government he represented, he would, in taking that course, have been perfectly in order; and every word which had been written on the subject by Sir Charles Trevelyan, as well as by the other gentlemen to whom he had alluded, would have been published in the newspapers at Calcutta the next morning, in perfect accordance with the forms of the Legislature. The error which Sir Charles Trevelyan has committed, appears to me, therefore, to consist, not so much in the act of publication itself, as in the manner in which his discretion in the matter was exercised. He would now say no more on this subject. He had with Sir Charles Trevelyan no personal acquaintance. He had never even seen him, to his knowledge. Sir Charles became known to him (the Earl of Ellenborough) through his official services in connection with a particular case some thirty years ago. As regards his career in this country, he had no further information than that which all their Lordships possess; but, so far as his knowledge of him extends, he entertained for his character, as well as for his ability, the highest respect. He would only add, that his last public act, however indiscreet it might be, had raised his character in his (the Earl of

The Earl of Ellenborough

Ellenborough's) opinion, instead of producing in his sentiments towards him any change derogatory to the high estimation in which he had hitherto held him.

THE DUKE OF ARGYLL: My Lords, the paper relating to the hardships suffered by certain ryots at the hands of European indigo planters in India, for which the noble Marquess has moved, had not, when I last saw my right hon. Friend the Secretary for India, arrived in England. I need, however, scarcely add that when it does reach this country there will not be upon the part of the Government the slightest objection to its production. But I apprehend my noble Friend referred to them principally for the purpose of introducing the subject generally, and thus enabling himself to offer certain observations to the House. In reference to the remarks of my noble Friend who has just sat down (the Earl of Ellenborough), I may observe that I have read several statements upon both sides of the question with respect to the system pursued by the indigo planters in Bengal; and while I believe that there are in that province many excellent planters who treat the ryots under their control in the most considerate manner, I am bound to say that, from official evidence, I have derived very painful impressions of the system under which the indigo planting is carried on in other districts, and in particular in the especial district referred to. There is a great variety as regards individual districts, and as regards individual men. I am, I may add, informed that those districts in which the cultivation of indigo is carried on with the greatest success are those in which no system of oppression whatever prevails, while, upon the other hand, the localities in which the greatest difficulty in the management of ryots is experienced are those in which the vices of the system are most extensively put into practice. The main evil of the system is that when once an advance is made to a ryot he rarely ever escapes from the thraldom of the planter, and practically he remains in a state of slavery after, unless some accidental circumstance should relieve him. The subject is one, however, which now seriously engages the attention of the Government of India, who have issued a Commission to inquire into and report upon all the evils connected with the system of indigo cultivation in Bengal. I need hardly inform the House that the measure which was lately passed, and to which allusion has been made, is one merely of a temporary character, and does not propose to effect a permanent settlement of the relations which subsist between the landlord and the ryot. There are, however, difficulties involved in the question which it is no easy matter to overcome; for while, on the one hand, it is inexpedient to maintain a vicious and oppressive system, it is on the other unwise to take any steps which may have the effect of discouraging the application of English capital to any part of India. I nevertheless trust that when the Report of the Commission to which I have referred arrives here we may be able to devise some means by which the evils of the system may be obviated without leading to a result which we should all desire to avert. I may now be permitted to refer to another subject to which the noble Marquess who introduced this subject has drawn our attention—I allude to the composition and powers of the Legislative Council. When it is said that the present constitution of that body has turned out to be a failure, I would beg those who entertain that opinion to bear in mind that it assumed its present form after very careful consideration in 1853, and was adopted, in a great degree, for the purpose of meeting existing complaints. It was then recommended that a representative of the minor Presidencies should have a seat in the Council, and the object with which that recommendation was made has, I believe, been pretty satisfactorily secured. I am, however, bound to admit that the impression appears to have gained ground both in India and in England that the constitution of the Legislative Council in India is not quite as good as it might be, and that some further changes in its case are required. My noble Friend opposite (the Earl of Ellenborough), in dealing with this subject, did not, I regret to say, touch upon the most difficult portion of the question—namely, what should be the powers of the Council, and what should be the area over which its legislative action should extend. [The Earl of ELLENBOROUGH: There should be no legislation at all.] I need hardly state to your Lordships that one great object which many Indian reformers have in view is to decentralize authority and to confer upon the minor Presidencies more extensive legislative as well as executive powers. I did not, however, gather from my noble Friend opposite that he desired this object to be carried into effect. He appears to wish that authority should be vested in the hands of the Governor Gene-

ral and Government at Calcutta, assisted only by a consultative Council. Such a change as that would, however, I fear, be by no means satisfactory to the minor Presidencies, nor obviate the difficulties to which the noble Earl has attributed to the conduct of Sir Charles Trevelyan.

THE EARL OF ELLENBOROUGH: I should have stated my wish in the matter to be that small Consultative Councils should be established for the other Presidencies, and that any Bills proposed by the Supreme Government for adoption should in the first instance be passed through those Consultative Councils.

THE DUKE OF ARGYLL: I infer from what my noble Friend has stated that he is not in favour of a system of decentralization, and I am afraid his views, even if carried into effect, would not prove satisfactory to the greater portion of those who seek for a change in the constitution of the Indian Government. I must beg also to remind the House that if we were to determine to give to local legislatures any portion of that power which is now centralized at Calcutta, it would be absolutely necessary to define the subjects with which they could deal, as contra-distinguished from the Supreme Government. The difficulty of arriving at a satisfactory determination on this point is, I may add, exemplified in the case of questions of finance, in connection with which the unfortunate difference between Sir Charles Trevelyan and the Government at Calcutta has taken place; for if India is to continue one great Empire with one general system of taxation applicable to the whole, it is perfectly clear that the same difficulties that have hitherto existed would continue to exist; and, on the other hand, that it would be no easy matter to draw a definite line within which these local assemblies should be confined, and which should at the same time leave the Supreme Government free to exercise their judgment with respect to great questions of finance and taxation affecting the whole of our Indian Empire. With respect to the admission of the Native element into the consultative and legislative Councils, I am to a great extent disposed to agree with the sentiments on the subject to which the noble Earl has given expression. There are, for instance, individual Natives eminent in point of education and position whose association with the administration of affairs might tend to impart confidence in that administration to their fellow-subjects. The Governor General, I believe, holds that view; and, I may add, that one mode of consulting the feelings of the Natives has been resorted to under the existing system, by providing that, except in cases of absolute necessity, time should be afforded for bringing to bear the influence of Native opinion on any measure introduced into the Legislative Council before it is passed into a law. I have now touched on the main topics to which the noble Earl has alluded; but I should wish before I sat down to say a few words with respect to that to which he more particularly adverted at the close of his speech. It was, I need hardly say, matter of infinite regret to the Government to be obliged to recall Sir Charles Trevelyan from Madras; but the step was one, my Lords, which they deemed to be as necessary as it was painful. For my own part, I entertain for Sir Charles Trevelyan the highest personal regard as well as the greatest admiration; but I cannot go the length of my noble Friend opposite in holding the opinion that the specific act to which his recall is attributable is one which is justly entitled to the praise either of this House or to that of the Executive Government. I have, however, no doubt that in adopting the course which he pursued, Sir Charles Trevelyan was actuated by the most honourable motives; and I may add that the action of the Government in his case did not proceed upon the ground of the merit or demerit of the particular views with respect to the income tax to which he gave publicity, but was based on the conviction of the absolute necessity which exists for upholding the authority of the Government of India, and enforcing due subordination on the part of its subordinates.

LORD LYVEDEN said, the noble Marquess had presented petitions referring to the administration of justice in India, to the financial system, and to many other important questions; but the House had no materials for discussing those questions. Under the new system of Government for India they had received less information with regard to India than they did under the double Government. At the present moment they had not received copies of the Bills which were presented to the Legislative Council embodying Mr. Wilson's proposals. The practical question involved in the present discussion was the composition and powers of the Legislative Council; and he trusted that the noble Earl opposite would bring forward some

definite Motion on that important subject. It was utterly impossible that the powers of the Legislative Council could remain as they were now. Those powers were given them by the Act of 1853, and they had become a totally independent body—an *imperium in imperio*. They arrogated to themselves powers utterly inconsistent with the Home Government. They contended that they were not liable to the orders of the Secretary of State; in fact, that he had no command over them, that they might pass any Act they pleased, that no alterations could be made in it, and that if any alterations were made, they might refuse to pass any Act at all. [The Earl of ELLENBOROUGH: That is the law.] It was impossible such a state of things could continue, and he trusted the Secretary of State for India would introduce some measure to define at least the powers of the Legislative Council. The remedy proposed in the petition presented by the noble Marquess was very vague and unsatisfactory, because the petitioners said, in effect, "Let us have, instead of one central debating society in India, a little debating society established in every Presidency." That was certainly not a way to get rid of the evil, and he was surprised that the noble Marquess should be the advocate of such a course. [The Marquess of CLANRICARDE: I did not advocate it.] With regard to the recall of Sir Charles Trevelyan, he could only express his regret at that circumstance, in common with those who had spoken of his ability and energy. He should like to know from the noble Duke if the Members of the Council who wrote Minutes in corroboration of Sir Charles Trevelyan's Report would remain at their posts? A difficulty would arise if Members of considerable importance, disposed to resist the proposals of the Executive Government at Calcutta, remained; but if they were taken away, better men, he feared, could not be found. The noble Marquess had said that it was Sir Charles Trevelyan who had brought the land tenures of India into their present state, and that it was to him that the improved system was to be attributed; but in truth it was only due to a noble Lord (Lord Harris) who sat near him to say the system had been carried out by him and afterwards by Sir Charles Wood.

THE EARL of ELLENBOROUGH: Let me say that the removal of the Members of Council would not only be a great loss but an act of most atrocious injustice. They only did their duty; they were obliged to state what they thought on the subject of this proposed legislation.

LORD STANLEY OF ALDERLEY said, he had a petition to present from a very important body of persons who had formed a large public meeting at Calcutta, which was presided over by the sheriff. This petition stated the apprehension entertained in reference to the present financial state of India, especially the difference between the receipts and the expenditure; and the petitioners deprecated the continuance of the system of open loans which had failed to a great extent in raising money on advantageous terms, and had seriously affected the credit of the Indian Government. They prayed that attention would be given to the construction of railroads and other modes of communication, and that freehold tenure would be introduced into India, as that would tend materially to attract British capital. They deprecated the Constitution of the Legislative Council, and they hoped that an alteration would be introduced to render those Councils more independent. Without entering upon the other questions which had been discussed, he (Lord Stanley of Alderley) would say that he hoped that some of the financial propositions before the Government would not be carried into effect without great consideration and examination. The income tax might not be objectionable if it could be levied; but the tax upon tobacco was open to great objections; and he deprecated the imposition of heavy import duties on British manufactures, which was at variance with the principles which had been recently advocated by the Chancellor of the Exchequer as those which ought to govern the financial policy of the country. There was, indeed, one item of import duties—the duty of 10 per cent on cotton yarn, which was more peculiarly open to this objection, and to which he entertained the greatest objections. It, in fact, directly tended to establish a protected interest, by offering an inducement to the establishment of spinning mills in India, contrary to the principles of free trade, which would raise great difficulties in dealing with these protected interests hereafter, besides diverting capital from where it might be more advantageously employed in India—the improvement and cultivation of the land. With regard to the conduct which had been adopted by Sir Charles Trevelyan, and that had led to his recall, if, instead of publishing

these Minutes, the Madras Member of the Council sitting in Calcutta had only communicated the views of Sir Charles Trevelyan in the Council of India at the time when Mr. Wilson made his first great speech in introducing his Budget—if his objections had been urged and fairly discussed in India, then the Government would have avoided the disagreeable position in which they were now placed, of either abandoning the project which they had carried through the Legislative Council, or prosecuting it in the face of the difficulties which had been occasioned by the promulgation of those despatches.

After a few words from the Marquess of CLANRICARDE,

Petition to lie on the table: Motion for Returns *agreed to.*

House adjourned at a quarter-past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, May 15, 1860.

MINUTES.] PUBLIC BILLS.—1° Local Boards of Health, &c.; Local Government Supplemental; Consolidated Fund (£9,500,000).
2° Landlord and Tenant (Ireland).

PAROCHIAL CONSTABLES.
QUESTION.

MR. DEEDES said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to bring in any measure this Session to repeal the Acts relating to the appointment and payment of Parochial Constables, namely, 5 & 6 *Vict.*, c. 109; 13 *Vict.*, c. 20; and part of 7 & 8 *Vict.*, c. 52?

SIR GEORGE LEWIS said, the Acts to which the hon. Gentleman referred were passed at a time anterior to the passing of the County Police Act, and therefore under a different state of things from that now existing. The changes made in the Law seemed certainly to render it desirable that those formal enactments should be reconsidered. He had taken steps to procure information as to their practical operation, and should be prepared to bring in a Bill on the subject.

Lord Stanley of Alderley

CONVEYANCE OF VOTERS BILL.
QUESTION.

MR. HUNT said, he rose to ask the hon. Member for Plymouth, Whether he will proceed with Conveyance of Voters Bill To-morrow?

MR. COLLIER stated that it was not his intention to bring forward the second reading of the Bill until after the Committee which was inquiring into the subject should have made its Report.

WINE LICENCES.—QUESTION.

MR. DUTTON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the wholesale Wine Licence at £10 10*s.* confers upon the holder the power of selling by retail, without the necessity of taking an additional retail Licence?

SIR FITZROY KELLY said, he would also ask, Whether the wholesale Wine Merchants, who are under their present Licences allowed to sell Wine by the single bottle, will have the same privilege under the new Law.

THE CHANCELLOR OF THE EXCHEQUER said, there was no intention to deprive the holders of the ten guinea licence of any privilege they were entitled to under the existing law. The Excise Department had no doubt that the ten guinea licence did convey the privilege of selling wine by the single bottle, and as there was no intention to make any alteration in that respect, if there was anything in the Bill which might be supposed to do so it would be altered.

THE QUAYS OF DUBLIN.
QUESTION.

SIR EDWARD GROGAN said, he wished to ask the Chief Secretary for Ireland if he can say when the repairs of the Drawbridges on the Quays in Dublin will be completed, and if he has any objection to lay a Copy of Contract entered into by the Board of Works for such repairs upon the Table of the House?

MR. CARDWELL replied that he could not state the exact time when the repairs would be completed. He had no objection to lay a Copy of the Contract on the Table.

ITALY AND FRANCE.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Fo-

reign Affairs, Whether, as stated in the "*Indépendance Belge*," the French Government have intimated to Lord Cowley that, in case of the occurrence of contingencies which might affect the present distribution of power in Southern Italy, France would feel it her duty to claim further territorial compensation, or whether any private conversation or communication to any such effect and purpose had taken place.

Lord JOHN RUSSELL: No such intimation has been made to Lord Cowley, either publicly or in any private conversation.

RUSSIA AND TURKEY.

QUESTION.

Mr. JOHN LOCKE said, he wished to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government are in possession of any intelligence whatever to the effect that Russia has concentrated a considerable Army on the Pruth, and that the Ottoman Government has assembled a *corps d'armée* at Widdin; and whether Her Majesty's Government have been advised or in any way informed that Prince Gortschakoff had assembled the Representatives of all the Powers except Turkey, and had stated that the condition of the Christians in the Turkish dominions was every day becoming less supportable, and that his Government hoped to obtain the concurrence of the other Powers, and would make a strong remonstrance to Turkey upon the subject?

Lord JOHN RUSSELL: Sir, in answer to the first question put by the hon. Gentleman I have to state that Her Majesty's Government are not in possession of any intelligence to the effect that Russia has concentrated a considerable army on the Pruth, or that the Ottoman Government has assembled a *corps d'armée* at Widdin. But, with respect to the second question, I have to state that I received yesterday a despatch from Sir John Crampton, Her Majesty's Minister at St. Petersburg, which is very much to the effect stated by the hon. Gentleman. I may add that I have also received a despatch from Her Majesty's Ambassador at Paris, stating that he had had a conversation with M. Thouvenel, who spoke to him on the subject, and said that if any action was to take place he was of opinion that it should not be an action by Russia alone, or by Russia and France united, but a combined action of the five great Powers.

INLAND BONDING WAREHOUSES.

QUESTION.

Mr. HADFIELD said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he is prepared to bring in a Bill to authorize Inland Bonding Warehouses?

The CHANCELLOR of the EXCHEQUER said, it was his intention to introduce a Bill upon that subject at the earliest possible period. In that measure he thought it would not be advisable to confine the bonding system to four great towns, but to provide that it might be extended to any place in which such an arrangement might be found convenient. He would, therefore, suggest to the hon. Member the propriety of either withdrawing or postponing his own measure until he should be able to ascertain whether or not he should feel satisfied with the Government Bill.

ORDER OF BUSINESS.—QUESTION.

Mr. DISRAELI said, he rose to ask, Whether it is intended to proceed with the Army Estimates on Thursday? If so, he hoped they would not be proceeded with except at an early hour.

Viscount PALMERSTON said, his right hon. Friend (Mr. Sidney Herbert) hoped to be able to bring forward the Army Estimates on Thursday, after some other business had been disposed of; but he would not ask the House to go into the Army Estimates later than eleven o'clock.

THE DERBY DAY.—QUESTION.

Mr. EDWIN JAMES said, he wished to ask the noble Lord at the head of the Government, Whether, as Wednesday, the 23rd, is fixed for the celebration of our Metropolitan *Circenses Ludi*, he intends to propose that the House shall adjourn over that day.

Viscount PALMERSTON: Sir, I rather think one may say that an adjournment over the Derby Day would please the House. In fact, to adjourn over that day is part of the unwritten law of Parliament. I am sure that Her Majesty's Government do not wish to ask the House to depart from so wholesome a custom. It has been usual to leave it to some private Member to make the proposal, but I think that it is not exactly the proper way, and I mean, therefore, to propose on Tuesday that the House should adjourn at its rising until Thursday, the 24th.

RECREATION GROUNDS.

RESOLUTION.

MR. SLANEY said, he rose to move a Resolution in favour of Public Walks and Places of Recreation. It was of the utmost importance to the health of towns that proper means should be provided for the recreation of the people away from the close factories where they were obliged to work. He ventured to say that the change of circumstances was such as to call attention to this subject. At the beginning of this century the rural population was as to the civic population two to one, but now the proportions were reversed, and the civic populations were upwards of two to one to the other portions of the population. The condition of the lower classes in the great centres of population had been inquired into by several Committees and Commissions—by the Factories Commission, the Handloom Weavers Commission, the Childrens' Employment Commission, the Health of Towns Commission, and the Railway Labourers Commission. It was shown that the cost of crime had increased by £10,000,000 a year. The spirituous liquors of various kinds consumed by the dwellers in close and narrow courts and places, after every allowance had been made for necessary refreshments, were calculated at £15,000,000. The two totals gave an aggregate of £25,000,000, a great portion of which might be saved by an improvement in the physical condition of the great mass of the population. The late lamented writer, Mr. Porter, stated that the number of criminals was now five times more than it was at the beginning of the century. It was also undeniable that the industrial classes had not improved in physical comfort in the same proportion as the middle and higher classes. In 1840 he moved for a Select Committee to inquire into the Health of Towns. Their Report described a lamentable state of things on the part of those who live in closely-pent, narrow courts, and who work in ill-ventilated workshops and factories. In 1842, Sir R. Peel issued a Commission for inquiry into the Health of Towns. The result of their inquiry was to establish that, in regard to three main points necessary for the comfort and health of towns—the supply of water, the drainage, and cleansing—out of fifty towns only seven or eight were tolerably well off. The Commission established incontestably that a large class of crimes were much fostered by the low state of physical comfort in which the town population often lived. The consequence of the crowded state of the large towns and the absence of open spaces was that the health of the inhabitants suffered, and that the appetite for intoxicating liquors, the prevalence of which among the lower classes they so much deplored, was developed to a frightful extent. The Health of Towns Act had, no doubt, tended considerably to remedy the evil, and the Local Improvements Act was also of use, but neither went far enough. The rapid growth of population and increase of buildings far outran all attempts at improvement. A General Building Act was imperatively called for, not merely to regulate the width of party-walls as a preventive against fire, which was all that was done at present, but to check the erection of those narrow, miserable streets and alleys which fostered uncleanliness and disease. Periodical reports of the condition of the large towns in these respects ought also to be published. Above all, it was necessary that large open spaces in towns should be preserved, and anybody who witnessed the manner in which the people of London flocked to the Parks on Sundays and holidays must be convinced of the very great moral influence they exercised, as well as the physical benefit they conferred on the poorer classes. In 1833 he moved for a Select Committee on Public Parks, which was the first movement in this direction which was ever made. The Report of that Committee stated that during the last half century a great increase had taken place in the population of towns, while little or no provision had been made for public walks and open spaces for the recreation of the public. Now population had increased fourfold, while much of the space which then existed in towns had been built over. He appealed to the House whether the opening of public parks and places of resort in Manchester, Birmingham, Sheffield, and other places through private liberality had not been productive of great good, and whether they had not materially increased the comfort and content, as well as the health of the working classes, besides giving a stimulus for innocent enjoyment, of which they were not slow to avail themselves, and which had exercised great influence in the amelioration of their moral and physical condition. Reverting to London and the Report of the Committee on Public Parks, he rejoiced that Primrose Hill had not been covered with buildings,

Viscount Palmerston

and that thousands of working people were able to go there on Sundays to breathe the fresh air which could not elsewhere be obtained. He regretted that Copenhagen Fields had been partly occupied with the New Cattle Market, but he suggested that there was still space enough to lay out a public walk, and that by the addition of a few benches and buildings for shelter, people might be induced to resort there, especially on those days when the market was not held. The Victoria Park was an inestimable boon to the inhabitants of the east end of London, and he was glad to see, in the course of frequent visits which he had made to it, that it was extremely well managed. The embankment of the river from Limehouse to Blackwall, which had been recommended as a not very expensive work, had not been done; but he hoped that public attention would be called to it, and that the improvement would be made. Kennington Common had been enclosed and improved, and Battersea Park was becoming the resort of great multitudes. Partly in consequence of the Report of a Committee, and partly in consequence of the Health of Towns Commission and the Health of Towns Acts, improvements had been made at Manchester and other large provincial towns. A great deal had not been done for London, but he felt sure that opulent persons would be most willing to contribute if it were officially pointed out how such means could be best directed to the object in view. There were various sources from which assistance might be derived. Moderate grants from the Crown for a great public benefit like this were justifiable, and especially if they called forth large private donations. An exchange might also be made of Crown lands near large towns for other lands at a greater distance, and funds might be raised by a voluntary rate, to faciliate which a Bill was now before Parliament that he hoped would receive the Royal Assent. The splendid palaces of Genoa and Turin had been described in eloquent language by Mr. Roscoe, as the work of great merchants and great landowners; but in a single street in this town—Pall Mall—might be seen a whole row of palaces equally splendid, which were the result of a combination of a number of small contributions. The Crystal Palace, too, was formed by a number of small shares under limited liability, and though it had not been so profitable as it might have been in a pecuniary point of view, there was no question that it had conferred the greatest benefits on the working classes in the way of amusement and recreation. If the Government and the Legislature would but lead the way, this law of limited liability, he had no doubt, would be very generally taken advantage of by benevolent persons to establish institutions for the benefit and recreation of the great mass of the community. Such places as those which he was anxious to see set on foot ought, for instance, to be exempted from taxes; for two or three days in the week they might be allowed to make a small charge for admission, but the rest of the time they ought to be open entirely free. He had no doubt that many benevolent persons would be willing to take shares in such undertakings. There was no time, however, to be lost, for open spaces were daily being more and more built upon, and in a short time few would be left. He thought, also, that much might be done in the way of improving the existing Parks. It was not merely exercise, but regulated recreation, that was necessary for the humble and lower middle classes. If places for athletic exercise and small low buildings in which accommodation might be given to school parties taking a holiday were erected in some of the public parks great benefits would accrue to a large class of the population. There was one society, of which he had the honour to be a member—the Zoological Society — which was extremely liberal, inasmuch as they gave any member power to send a school of sixty or seventy, at certain hours, to see the different specimens in their collection. That was an example which he should be glad to see generally followed. As most of the public fairs in the neighbourhood of the Metropolis had been done away with in consequence of their having been ill-regulated, he would suggest that in Regent's Park, Victoria Park, and Battersea Park, fairs under the regulation of the Commissioners might be held for three days in the week twice a year—in the spring and in the autumn. He would venture to say if this were done the whole expense would be paid, and the people would behave as if they were grateful for the boon. If there was an act for the improvement, not the enclosure, of the commons about London, so as to enable persons, by subscriptions, to clear them and put down benches, just as had been done at Clapham Common, it would be a great public benefit. He would suggest, also, that many of

the gardens in the squares of the Metropolis might, under certain conditions, be thrown open to the general public. Take the case of Lincoln's Inn Fields. A garden existed there; but it was comparatively useless, for the persons — lawyers and others—who occupied the dwellings which looked down upon it remained in town for the most part, only from ten to five o'clock in the day. He would ask, what harm would be done by throwing open this garden to those persons who dwelt altogether in the neighbourhood — perhaps in close streets or pent-up courts and alleys — for the purpose of slight but still beneficial exercise and recreation? He would venture to suggest to those who were possessed of well-situated properties in the immediate vicinity of this great city whether, without injury to themselves, but with much benefit to those who toiled hard and for long hours in a vitiated atmosphere, they might not, especially during their absence abroad or at their country residences, give facilities to their less favoured countrymen to take recreation in their grounds. The subject was one deserving consideration, both at the hands of that House and of the country. The great and rapidly increasing mass of the people were industrious, contented, and loyal, and deserved every encouragement, and all the advantages in point of health which could be afforded them.

Motion made, and Question proposed,

"That it is expedient Her Majesty's Government, or Parliament, should take steps to inquire how best adequate open spaces in the vicinity of our increasing populous towns, as public walks and places of exercise and recreation, may be provided and secured; and to encourage and direct efforts, by private subscriptions, voluntary rates, or public grants, to carry out such objects."

Sir GEORGE LEWIS said, he hoped his hon. Friend would not think him guilty of disrespect if he abstained from following him at equally great length through the various topics which he had brought under the notice of the House. Few, he thought, would withhold their assent from the general proposition that parks and other public places, where they could enjoy the fresh air, were of the utmost importance to inhabitants of large towns, especially to the working classes. But the question for the House practically to determine was as to the mode in which, under the existing law, or by any modification of it, provision could best be made for the establishment of such modes of recreation. The inquiry which the hon. Gentleman proposed to institute was not one into which it would be necessary for the House to enter, as, with the exception of London, where peculiar facilities were afforded, either by grants of public money or of land by the Crown, it was evident that improvements such as were now advocated must be provided for out of the local funds under the control of municipal bodies. The existing law defined the objects to which the revenues of every borough were applicable, and proceeded to declare that in every case where the funds should more than suffice for those purposes the surplus might be applied, with the consent of the proper authorities, for the public benefit in the improvement of the borough. The Towns Improvement Act, the Public Health Act, and provisions in various local Acts gave facilities by which advantages such as the hon. Member desired to secure could be to a greater or less extent attained; and exchanges of land for a similar purpose were likewise sanctioned. The existing law, therefore, seemed to provide various means by which in large towns these improvements could be carried out, and where obstacles arose the proper course would be for the local bodies to apply to Parliament for further powers. But the Motion of the hon. Gentleman likewise contemplated that Her Majesty's Government should "encourage and direct" efforts of this character "by private subscriptions, voluntary rates, and grants of public money." It was true that it was open to the Executive Government alone to propose public grants of money; but the funds which could be allocated for such purposes were very limited, and there were various objects of local utility which had prior claims as compared with parks or public walks in the neighbourhood of large towns. In interfering by the promotion either of private subscriptions or voluntary rates, the Government, he thought, would rather mar than forward the end in view. The local authorities would naturally, and with good reason, consider that they were better acquainted with the object to be attained than the Government could possibly be, and consequently that they were the persons who ought to take the initiative. If any amendment of the existing law could be proposed, he should be ready to give it an attentive and favourable consideration; but he did not think that the admittedly praiseworthy design of the hon. Member was likely to be advanced by the adoption of a general declaration such as was em-

bodied in the terms of the Resolution which he had put on the paper.

Question put, and *negatived*.

LIFE MODELS IN SCHOOLS OF ART.

RESOLUTION.

LORD HADDO said, he rose to move the following Resolution :—

"That the Exhibition in Schools of Art of Females wholly unclothed ought not to receive the sanction of a Public Grant of Money to the Schools in which such practice is adopted."

Last year he presented a petition signed by upwards of 500 clergymen, including the canon residentiary of St. Paul's, complaining of this practice as tending to vice and immorality. He mentioned that fact to justify him in bringing forward a question relating to so disagreeable and distasteful a subject. He thought it was time for the House to apply a remedy to what he considered was a great evil. He believed it was not generally known, indeed he himself was astonished to hear that, in the Royal Academy and in many of the schools of art supported by grants of Parliament, a mode of study had been adopted of a disgraceful and dissolute character. If such a practice had been followed in a lower class of life, he was sure that the most summary means would be taken to put a stop to it, and to punish the offenders for their indecencies. It was, in his opinion, impossible for young men to visit those schools of art, where nude figures were presented, without being led into acts of great debauchery. He understood it was a positive fact that mothers frequently brought their daughters to those places, and actually bargained with the managers of art schools for the exposure and degradation of their children. And what was the advantage gained? He had heard it said that as artists must have living models to study from, it was better they should study them in public institutions, where proper regulations could be made; but if that were so, why not permit gambling-houses and houses of ill fame to be established? It was said that the study of art could not be carried on without the particular practice to which he invited attention, but he did not believe the statement. He had the authority of Mr. Westmacott, the professor of sculpture in the Royal Academy, for saying that the study of the naked female form was not only unnecessary, but injurious to art. In the best ages of art the nude living figure was never required. It was only the prurient vitiated taste of modern times that encouraged that practice. But even if the practice were of use in an artistic point of view, that benefit could not outweigh the outrage it inflicted upon public decency and public morals. Upon those grounds he thought that no public grants should be given to schools that adopted the practice. There were about twelve schools of art in England connected with the Government grants, and in four of them nude figures were studied. When he brought forward his Motion last year he understood that something would be done by the Government to remedy the evil, but as he had been disappointed in that expectation he felt called upon to renew his Motion this year. The noble Lord concluded by moving his Resolution.

MR. SPOONER seconded the Motion.

SIR GEORGE LEWIS said, he rose to give a brief reply to the noble Lord. For himself, he had no special knowledge of the subject—he meant no knowledge of the practice of the department to which this question related. He was therefore unable to say what instructions had been given upon the subject, but he apprehended it had never been the practice of Government to interfere with the details of the regulations of any school. The noble Lord said that the practice was confined to four schools, but the return on which that statement was based was eighteen months old, and how the matter stood at present he could not say. But, certainly, he could not believe that the study of art had any corrupting influences, nor that it excited prurient thoughts in the minds of the students attending schools of art. He believed that all the ancient masters whose works all admired, and who were recognized as the classical models in all departments of art, had cultivated their knowledge by a study of the human figure, male and female. It was possible, however, that a more refined feeling of delicacy in the present day might render such a practice impossible. If that were so, it was desirable that such Resolutions as that of the noble Lord should be encouraged by the House; but, in the mean time, he did not think it was at all desirable the House should proceed at present to any vote on the subject.

MR. ADDERLEY said, he wished to make a few observations upon this subject, as he had been for a time connected with the department of the Government to which the Resolution of the noble Lord referred. He felt bound, in the first place, to observe that the noble Lord had made

an inaccurate statement as to the real facts of the case. The noble Lord had said there were four schools of art out of the twelve that received public grants in which naked women were employed in the studios as models. That was not the fact. The only school of art, aided by Government, that introduced naked women into the life-school was that of Manchester. The noble Lord had referred to the Royal Academy. Now, the Royal Academy received no grant from that House, and, therefore, even if the practice spoken of was adopted, the Motion was inapplicable as far as that institution was concerned. He really thought, when the noble Lord spoke of studios in which the naked figure was studied as places of as vicious a character as gambling houses and brothels, it was a gross misrepresentation on the part of the noble Lord. It was quite evident that the noble Lord's opinion upon this matter was founded upon a false appreciation of the whole subject. The noble Lord had observed, that in the best days of ancient art study from the life was not practised. Now, he (Mr. Adderley) could not tell where the noble Lord had obtained his facts. He should not be exceeding the limits of truth if he said that the portraiture of the human form could not be accurately given without the study of the naked figure as a model. The first lessons of an artist in human portraiture were a study of the skeleton, then came the body clothed with its flesh and muscles, and last of all the living model. If the noble Lord thought that a study of the draped figures in these days of bustles and crinolines was the highest study of art in order to arrive at a true portraiture of the human figure, Madame Tussaud must be nearest to the noble Lord's *beau ideal* of a great artist. It seemed to him that the noble Lord had altogether misunderstood the nature and object of the study in question, and he would appeal to the noble Lord's own habits to show the fallacy of the ideas he had put forward on this subject. Did he not visit galleries in which were pictures and statues of the naked human form? Had he not seen and admired in common with every other person the magnificent statue of Venus di Medici? Nay, did he not think it was worth going a thousand miles to see it? How, then, were we to get such statues if the noble Lord's notions upon this subject were to be carried out? Were they to fall from Heaven? The noble Lord professed to appreciate the results of the study of art, but would throw obstacles in the way of the only processes by which these results could be achieved. He appealed to the noble Lord that it would be of no avail for him to propound in that House year after year the crude notion that the use of a thing was to be condemned because of the possible abuse of it. If the noble Lord knew of any instance in a public school of art, assisted by public money, in which the study of living models had been pursued for purposes of indecency, let him bring it forward. A few years ago it was reported that in the Hibernian Academy in Dublin the life school had been somewhat irregularly conducted; that young men in large numbers had been permitted to be present when nude women were sitting as models, and that a larger number attended than could properly be there for purposes of the highest art study. He understood that last year the Vote of money for that school was discontinued, and he hoped that the Vote was not to reappear without a guarantee that only students of the highest order are admitted to the life-school. If this study were so regulated, it would be nonsense to talk of the indecency of such a practice; for the higher class of students absolutely needed opportunities for studying the living model. Besides, there was not a studio in London where the living model was not studied; and were the public schools of art to be deprived of the study which is found indispensable by all — places of all others where indecency was least possible, seeing that they were subject to stringent regulations, and constantly under the public eye?

MR. SPOONER said, he was much surprised and grieved to hear the view taken upon this subject by the right hon. Gentleman and those who had cheered him. [*Laughter.*] Hon. Gentleman might treat this subject as a matter of laughter, but the people outside were not disposed to treat it in such a spirit. He had that day received a petition, signed by the rural dean and many of the clergymen of Birmingham and other places, deprecating in the strongest terms this pernicious practice, and praying that such indecent scenes as took place in these schools of art might no longer be countenanced by grants of public money. It was said that no practical evils resulted from the practice; but he put it to the House whether it was possible for ten or a dozen students, day after day, to be accustomed to the sight of naked women without harm to their morals?

He contended that the inevitable tendency of such a practice was to deprave the character. Could it be possible for a woman to present herself, perfectly naked, for the purpose of having her likeness drawn, without great moral degradation to her feelings and character? The practice, besides, was contrary to the holy Word of God. They were told that it was necessary for the purpose of encouraging the study of art. He would not condescend to argue that question; he was content to accept the testimony of Mr. Westmacott that the study of the naked living model was not essential to the successful pursuit of art. He (Mr. Spooner) was convinced the practice tended to corrupt the youthful mind, and to engender feelings and desires which broke into positive sin; it ought, therefore, not to be encouraged by grants of public money. It was no argument against interference on the subject to say with his right hon. Friend that the practice obtained largely in private studios. Every man was responsible for his own actions. Surely no man could say it was a light thing to see mothers bartering the honour or virtue of their own daughters for a miserable sum of money which the Government enabled those schools of art to offer them. A grave responsibility would rest upon the Government and that House if they countenanced such an abominable system. Let them, for Heaven's sake, keep the nation free from this sin, at all events, by withdrawing the aid of the public purse from institutions that encouraged such immoral practices. They were told last year that the public money was not given for this purpose; but it was mere nonsense to talk in that way, when it was notorious that a portion of the money so given was applied to the payment of women who consented to expose themselves in a nude manner to the gaze of men. The feeling of the people against this system was increasing every day, and it would not be long before their voices would find their echo in that House. [*Laughter.*] Instead of treating this matter as one of laughter, he thought that hon. Members ought rather to be ashamed of making themselves parties to such a disgraceful system.

VISCOUNT PALMERSTON: I think the House will scarcely deem it desirable to adopt the Motion of the noble Lord. It is one of those endeavours to interfere inquisitorially by legislation, or by Parliamentary sanction, in matters which are really not proper subjects for interference of this kind. In the first place, it is impossible to carry into effect the view of the noble Lord. If the noble Lord means anything—if his theory ought to be reduced to practice, his Motion ought to go further than it does. He ought to bring in a Bill to make it penal for any person, anywhere, to study the female form. The very Motion he has made would at once lead us into a difficulty, because he proposes to resolve that no public money should be granted to any school of art in which the female form, wholly unclothed, is studied. I should like the noble Lord to be more precise in his future notices on this subject, and to mention to what extent he wishes us to go; to say what is the *minimum* of clothing which consists with his notions of propriety:—because there is a *minimum* as well as a *maximum* in such matters, and without in the latter case insisting on crinolines and the voluminous dresses to which reference has been made, it is quite clear that you might go to different parts of the world, to some of the southern climes—the regions of Africa, for example—where you would find patterns of clothing, which, although they might not subject the models precisely to the anathema of the noble Lord, would still undoubtedly be objectionable in his eyes, on account of the large portion of the human form which they discover. I hope the noble Lord will not press his Motion, and leave this important question of morality to the decision of the persons most concerned. I understand that there are few, if any, of the institutions to which he refers to which objection can now be taken. With reference to the Irish institution mentioned by the right hon. Gentleman (Mr. Adderley) I am informed that it is now under the control of the Privy Council, and so regulated that no recurrence of the objectionable circumstances he referred to can take place.

Motion made, and Question put,

"That the Exhibition in Schools of Art of Females wholly unclothed ought not to receive a sanction of a Public Grant of Money to the Schools in which such practice is adopted."

The House *divided*:—Ayes 32; Noes 147: Majority 115.

HIGHWAYS.—(SOUTH WALES).

LEAVE.

VISCOUNT EMLYN, in moving for leave to bring in a Bill for the better management and control of the highways in South Wales, said he should not have attempted

this task had he not been given to understand that he should receive the support of the Members of the present and late Governments. He felt confident that the Bill would be acceptable to Members generally, and therefore he trusted there would be no opposition to the Motion.

SIR GEORGE LEWIS said, he merely wished to say that from what he understood of the views generally of his noble Friend he concurred with him thinking that, from the facts which experience had shown in regard to management of the turnpike trusts in South Wales, it would be well that all roads in that part of the country should be included in one general Highway Bill.

Leave given.

"Bill for the better management and control of the Highways in South Wales, *ordered* to be brought in by Viscount EMLYN, Mr. HUSSEY VIVIAN, and Mr. HENRY BRUCE."

TURNPIKE ROADS AND BRIDGES.

COMMISSION MOVED FOR.

MR. ALCOCK said, he rose to move—

"That an humble Address be presented to Her Majesty praying that She will be graciously pleased to issue a Royal Commission to inquire and report how far it may be desirable and practicable to substitute an equitable system of assessment in lieu of the present mode of maintaining the Turnpike Roads and Bridges in England and Wales by tolls."

He did not know whether he was open to the charge of too much pertinacity in bringing forward this Motion this Session, or the Secretary of State for the Home Department to the charge of too little consideration he had for the comfort and convenience of the people in England and Wales. His object in bringing the subject before the House was to induce the House to follow the example which had been set in Ireland. Four years ago a Commission was granted for Ireland, and a Report was presented which recommended that the country should be released from turnpike tolls, and that result had followed in two years afterwards. Another Commission had been issued for Scotland, but it would in his opinion have been fairer and more equitable if the Government had in the first instance granted a Commission for England, because there was but little prospect that the Government would do for Scotland what they had done for Ireland. The debt upon the tolls in Scotland was in a much higher proportion to the value of the real property of Scotland than the debt on the tolls in England was in proportion to the real property of England. The debt in Scotland was £2,400,000, and the annual value of the real property there was £12,000,000, being about 20 per cent of debt upon that annual value; while the debt in England was £5,236,000, and the annual value of real property in this country £117,000,000, the debt being about 5 per cent on that annual value. He understood that the right hon. Gentleman, the Secretary of State for the Home Department, had ventured to defend the turnpike system, although he knew that it cost £500,000 to raise £1,000,000 in tolls. Now, he contended that any turnpike trust free from debt had no right to continue to raise tolls. There was a trust, called the first and second district, in Essex, of 180 miles in length, which had continued to levy £3,000 a year in tolls since 1837. That was at variance with the common law of England. There were 135 trusts in England, owing no debt, which collected £170,000 a year. His plan would be to fall back on the common law of the country, as had been done in Ireland. A rate of 2*d.* in the pound on the annual value of all the real property of the country would give enough to keep up the roads, pay the interest on the debt, provide gradually for its extinction, and buy up all the bridges of the country. He estimated that the whole cost would be £824,000, or £40,000 short of the amount which a rate of 2*d.* in the pound would give. The right hon. Gentleman last Session recommended him to follow one of two courses, either to bring in a Bill, or, if the Motion were refused, to induce Rebecca to appear again and destroy the toll gates throughout the country. With regard to drawing a Bill the right hon. Gentleman had his own draughtsman, whose public duty it was to do that, and he should therefore desire the right hon. Gentleman to do that work, or get it done for himself. But with respect to "Rebecca," if there were a Rebecca rising in England similar to that which took place in Wales, he could only say that he should, with all his heart, desire a successful result to the movement. If the Government now opposed his Motion he should consider it nothing more or less than a capricious exercise of power. It was said these Commissions were expensive, but he would remind the House that the cost of the Commission for Scotland was £185, and the one for Ireland only £350, and it had resulted in freeing the

whole of that country from tolls; and he would further remind the House that the Fine Arts Commission cost the country £11,000, without any good result apparently. It was perfectly reasonable and fair that what he now asked for should be granted, and that it should not be refused through the capricious conduct of the right hon. Gentleman the Home Secretary.

SIR JOSEPH PAXTON seconded the Motion.

SIR GEORGE LEWIS: The two opinions which my hon. Friend has attributed to me are inconsistent with each other, and I cannot admit that either of the two imputations are well founded. My hon. Friend says that last Session I recommended the people of England to resort to Rebecca in order to get rid of turnpike-gates, and he also represents me as an ardent zealot for the turnpike system. I have no recollection of having made that recommendation, and I beg to disclaim being in any degree a fervent admirer of maintaining roads by a system of turnpike tolls. I am quite aware that there is hardly any method of taxation the cost of collecting which amounts to so large a percentage. That, I admit, is a considerable objection to the system of turnpike tolls; but the incidence of the tax is to this extent fair, that it falls on those who use the roads, and does not fall on those who do not use them. Although persons who live a short distance from a turnpike gate do not pay so frequently as persons who live close to it, still the general incidence of the tax must be considered fair. When it is proposed to abolish the system of turnpike tolls in England, because such is the effect of the proposal of my hon. Friend, and to substitute an assessment upon the land, it is right to consider what is the present financial state of the existing turnpike trusts. That financial state must undoubtedly be described as favourable. The total revenue has not materially diminished since 1849. In 1849 the total revenue throughout England was £1,097,000. In 1857, which is the last year for which the accounts have been presented, the total revenue was £1,030,000. Therefore, notwithstanding the great increase of railways, and the diminution of travelling on the main lines of turnpike-road, the total revenue must be considered stationary. The repairs, in like manner, have been stationary since the same year. In 1849 the repairs of turnpike roads in England cost £609,000; and in 1857 £611,000; therefore both the revenue and the principal item of expenditure have been stationary since the year 1849. There is also another very material consideration, to which the hon. Member adverted with respect to turnpike trusts, and also with respect to the policy and practicability of making the change which he proposes. That consideration is the amount of the debt and of the interest of the debt. The amount of both is considerable. Nevertheless, it is in gradual process of diminution. Both the debt and interest, considerable as they both are, are in progress of diminution, and therefore it cannot be said that that circumstance affords any reason for such a fundamental alteration in the mode of maintaining the roads as that proposed by the hon. Gentleman. In 1843 the bonded debt of turnpike trusts of England was £6,932,000. In 1857 it was diminished to £5,117,000, showing a diminution of £1,815,000 in that period of fourteen years. That exhibits, I think, a favourable aspect with regard to the state of turnpike finance. In 1843 the interest of the debt was £281,000. In 1857 it was £175,000, showing an annual diminution of £106,000. Therefore, in whatever point of view the finances of turnpike trusts are regarded, whether as regards the total revenue, the cost of repairs, the amount of principal, or the amount of the interest of the debt, we cannot find any circumstance which leads to the supposition that the present state of things is disastrous. As I have already stated, it is undoubtedly true that the tax is objectionable on the ground of the large cost of its collection. It is also a vexatious impost which persons feel who are stopped on the road and called on to pay a small sum. But when that has been said I do not see that any strong case can be established against the present system, nor did I discover that my hon. Friend was able to allege any great defect. If there was a general desire to abolish turnpike tolls and resort to the mode of repairing all the roads of the kingdom by an assessment, there would not be the smallest difficulty in arranging such a system. There is no necessity to issue a Commission in order to frame such a plan. I would undertake, without putting my hon. Friend to the expense of employing a draughtsman, to lay a Bill upon the table by this day week which would most effectually carry that object into operation. But the difficulty is to obtain general consent to substitute for a system of turnpike tolls a system of

highway rates. A very simple plan has been sent to me by a gentleman in the country which the House will see would most effectually accomplish the views of my hon. Friend. The plan is to keep up the present turnpike gates until the whole turnpike debt is discharged; that is to say, to make the debt the exclusive charge on the toll revenue, to keep up the gates only to pay the interest of the debt, and to create an annual sinking fund, and to throw the whole expense of the repairs on the rates, as in the case of ordinary parish highways. I think it will be seen that that is a very simple plan, and that after a certain number of years the present turnpike debt would be extinguished. If the House were likely to agree to such a plan, it would not be at all necessary to go through the process and delay of a Commission; but I entertain very considerable doubts whether, if I or my hon. Friend brought in such a Bill, it would be likely to meet with general assent. I feel sure that the difficulty consists not in devising the means for the accomplishment of the end, but in obtaining the general concurrence of the House. For that reason I regret that it is not in my power to consent to the Motion of my hon. Friend.

MR. PHILIPPS said, he agreed that the issue of a Commission on this subject was not necessary. It was a mistake, however, to suppose that tolls were abolished in South Wales. On the contrary, the roads there were mainly supported by tolls. No more was levied upon the county rates than was required to pay the interest of the original debt. In his county, out of the sum of £24,000, £16,000, or two-thirds of the whole, went to the repairs of the roads, the remaining £8,000 going towards the payment of the interest of the sum advanced by Government, and for the extinguishment of the debt. He could assure the hon. Gentleman that he miscalculated greatly if he thought an impost of 2*d.* in the pound would not be strongly objected to. At present the rate was not more than ½*d.* in the pound, and it was strongly objected to, and only tolerated because it was so small. He (Mr. Philipps), for one, was not anxious to see any feeling against turnpike tolls encouraged in populous places, as he thought that police regulations made it expedient that tolls should be levied.

Motion made, and Question put,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire and Report how far it may be desirable and practicable to substitute an equitable system of assessment in lieu of the present mode of maintaining the Turnpike Roads and Bridges in England and Wales by tolls."

The House *divided*:—Ayes 12; Noes 78: Majority 66.

EAST INDIA (ARMY)—ORDER OF THE BATH.

PAPERS MOVED FOR.

SIR HENRY STRACEY said, he rose to move for correspondence on the subject of officers recommended by the Indian Government for the Companionship of the Bath. He had hoped that the right hon. Gentleman the Secretary of State for War would have relieved him from the necessity of making the statement which he now felt it to be his duty to make to the House. The right hon. Gentleman, however, had recommended him to make another Motion, which would not have answered the purpose he had in view. It would be in the recollection of the House that a short time since he questioned the right hon. Gentleman with reference to those officers who were recommended by the Governor General and Lord Clyde for the Companionship of the Bath, and asked why they had not yet received the decoration. The right hon. Gentleman then stated that the limits of the statutes had already been exceeded, and consequently that though he hoped before long new names would be inserted, he could not speak on the matter with any certainty. This answer being indefinite, and therefore unsatisfactory, he (Sir Henry Stracey) had felt it to be his duty to put forward the Motion he had done. He wished to ascertain from his right hon. Friend when there was a prospect that those officers whom the Governor General and Lord Clyde had recommended would receive the order. He understood that in 1841 the number of Companions of the Bath was 485, whilst now it was over 600. A revision of the statutes had taken place at that time, and there was no reason why there should not be another revision now. There was an idea that some partiality had been shown to the officers of the Queen's army in the distribution of this honour, to the detriment of the Indian army. It might be urged that Lord Clyde had sent home a very large number of names; but, as when he left England no restriction was placed on him, there was no reason why he should have been sparing in his re-

commendations. It might be said, too, that Lord Clyde had sent home as many names for his short campaign as the Duke of Wellington sent home during the Peninsular war; but besides his well known contempt for these honours, which might induce him to think that other officers would despise them also, it must be remembered that the Duke had but 30,000 or 40,000 British troops under him, while Lord Clyde had 110,000 British troops, to say nothing of the Indian army of at least 250,000 men. Lord Clyde had so many to recommend that it was not to be wondered at that the proportion he recommended should exceed that recommended by the Duke of Wellington, especially when it was recollected that if the great Duke had a failing it was an indisposition to recommend officers for such distinctions. These honours were not hereditary, and thould therefore be conferred as soon as possible after they had been fairly won. In the French army distinctions were continually conferred at the moment they had been merited; and they were the more appreciated when they could be enjoyed in the full vigour of life. It was well known that Her Majesty loved to see Her subjects honoured, and it seemed extraordinary that these officers, who had been so strongly recommended, were still without their rewards. In addition to the injustice done the officers recommended by Lord Clyde, the very worst compliment would be paid to that noble and gallant Lord, if on his arrival in England he found that his recommendations in favour of these officers, who assisted in bringing the conflict with the Indian mutineers to a successful end, had not been attended to. He moved for a Copy of any Correspondence which has taken place between the Indian Board and the Secretary of State for War on the subject of Officers recommended by the Governor-General of India and Lord Clyde for the Companionship of the Bath.

COLONEL DICKSON seconded the Motion. He was, he said, as anxious as any one to see that our brave officers of the Indian army obtained all deserved honour, but still he could not help thinking that the decoration of the Bath had recently been distributed with rather too much profusion. The correspondence, if produced, would prove the truth of this assertion. At the same time he would admit it was necessary to avoid taking any step which might seem to infringe upon the prerogative of the Sovereign.

MR. CHILDERS said, that it would be also satisfactory if the Secretary for War could give any information in respect to the honours recommended to be given to the civil service in India.

SIR CHARLES NAPIER said, he quite agreed in the observation that Companionships of the Bath had been rather too lavishly distributed; and this put him in mind of a naval saying that there were a great many more C.B's than A.B.'s.

MR. SIDNEY HERBERT said, that before he said anything in reference to the particular Motion before the House, he was anxious to disabuse the mind of the hon. Baronet by whom it had been brought forward of the impression under which he seemed to labour, that the Queen's officers had been treated with some partiality as compared with the local officers in the distribution of distinctions for services in India. So far from that having been the case, there had been a very remarkable preponderance in the number of honours bestowed upon the Indian army. To the officers of that army there had been given, down to the month of August last, 69 companionships of the Bath for services performed during the Indian mutiny, and 24 more officers had been selected for the same distinction, and were to receive it as fast as vacancies occurred; so that the total number of officers of the local force thus honoured amounted to 93. But in the Queen's army, three times as numerous, the whole number of companionships and crosses distributed was only 90, and consequently, if there were any reason for complaint in that case on the ground of numbers, it must be on the side of the members of Her Majesty's service. He had no doubt, however, that the recommendations had all been made with the strictest impartiality, and that the disparity of numbers was to be attributed to the fact that some corps had been more fortunate than others in meeting with opportunities for distinction. Comparing the services for which these recommendations were made with the services formerly thought necessary for the honour, it was impossible to deny that the distinctions were now distributed with a more lavish hand, the standard of service being lower. In 1847 the statutes of the Order of the Bath were revised, and an addition of 50 was made both in the Queen's and in the Indian service. Nevertheless, the number recommended had been so great, that the limit had been exceeded, and on that account the Government, without refusing the recommendations, had recorded the names of the officers

who would receive decorations as vacancies occurred. It was obvious that it would be very wrong to distribute these honours with so lavish a hand as to destroy their value. The hon. and gallant Member had alluded to the distinction of the Legion of Honour being conferred on the spot, when the Sovereign in command bestowed the distinction, drawing it from his pocket. He did not think, however, that the people of this country would like to see the Order of the Bath made so common in England as the Legion of Honour was in France, where it was conferred almost indiscriminately on every civil functionary of a certain grade, and on every military man who had attracted the notice of his commanding officer. With regard to the correspondence asked for, he thought its production would be objectionable, as it would have the appearance of interfering with the prerogative of the Crown in respect to the choice of persons to receive these distinctions, and of teaching individuals to look to the House of Commons rather than to the Sovereign for the acquisition of honours. He also felt persuaded that the correspondence which passed between public departments ought not to be laid before the House, except in cases which implied some marked impropriety of conduct. The officers who engaged in that correspondence took it for granted that as a general rule it was not to be published; and any departure from that rule would only impose upon them an inconvenient reserve, and lead them to conduct their communications either verbally, or in some private and confidential form. Looking, then, at the nature of these honours, the source from which they flowed, and the anxiety with which they were looked to, he did not think it would be consistent with his duty to produce the correspondence moved for by the hon. Baronet. He had no desire to withhold any information on the subject; he had stated the facts of the case, and under these circumstances he hoped the House would not sanction the Motion.

Motion made and Question put,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House a Copy of any Correspondence which has taken place between the India Board and the Secretary of State for War, on the subject of Officers recommended by the Governor General of India and Lord Clyde for the Companionship of the Bath,"

Motion *negatived.*

Mr. Sidney Herbert

NAVY (GUN AND MORTAR BOATS).

RETURNS MOVED FOR.

SIR CHARLES NAPIER said, the House would recollect that there was a rather sharp debate the other evening on the subject of our gunboats. The Government must feel that the House was extremely indulgent on that occasion. The moment the Secretary to the Admiralty stated that the contractors had honestly intimated beforehand that they had not timber sufficiently seasoned to build the gunboats with, the House saw that no blame attached to the contractors as far as the employment of green timber was concerned. It also acquitted the Admiralty of any blame in the matter; for, as he himself stated at the time, if the gunboats had been built a year sooner, even with green timber, the Baltic campaign might have terminated differently. But the question of bad and fraudulent workmanship was a totally different thing. Ships built of unseasoned wood would not endanger the lives of their crews, at least for a certain number of years, but a terrible catastrophe might happen at any moment from bad construction. The Secretary to the Admiralty had declined to give the names of the builders of the defective gunboats. Why should those men be screened from public censure? He did not say that the contractors had any particular pecuniary interest in building the gunboats with short bolts or no bolts at all. They were probably sitting in their offices when the fraud was being carried on; but it might have been avoided by a moderate amount of care and supervision. The contractors might not have been personally cognizant of the fraud, but they were responsible for the work done in their establishments, and if their vessels were built badly that fact ought to be published to the world. Would any naval officer contend that any builder belonging to the Royal dockyards who should fasten his vessels with short bolts ought not to be immediately dismissed from the service? Moreover, by giving the names of the contractors the Government would show that they were doing everything they could to punish the guilty, and prevent them ever again having it in their power to endanger the lives of our seamen. The publication of names might appear a hard measure, but what would the drowning of hundreds of men have been? Each of our gunboats was manned by something like 150 men, whose lives, what with short

bolts and bad workmanship, would have been at the mercy of the first gale of wind. It was wicked to conceal the names of the contractors, and why the Secretary to the Admiralty should have changed his mind on the subject he could not understand. The Admiralty could have no interest in withholding information from the public. He might be told that they were going to prosecute the guilty parties, provided the Law Officers thought a verdict could be got against them. He was too old to be deceived by that trick. The contractors would probably go to the Admiralty and express their sorrow for what had happened. Then the noble Secretary would throw the blame on the shipwrights; other business would intervene, and eventually the whole matter would be thrown aside. Now there was nothing like hitting the nail at the proper time, and he hoped the House would insist upon having the names of the contractors at once. He wished to know how many of our gunboats were fit for service. It had been stated in "another place" that we had 164 altogether. Two had been broken up; other two were undergoing the same process; and sixteen had been examined and repaired. Of the rest a hope was expressed that they might not be so bad. The House might depend upon it that all, whether in or out of the water, were equally defective. They ought to have been examined long ago. We had plenty of inspectors and surveyors for the purpose. At all events there could be no harm in giving the names of the contractors. He knew some of them, and would not conceal their names. The builder of the *Caroline*, in which 100 short bolts had been found, he believed was Mr. Green. If he was wrong, let the Secretary to the Admiralty set him right. But why should the name of Mr. Green alone be published to the world. He should like to know some of the others. This was an important matter, because the same thing might happen to ships which were now being repaired or converted. It was therefore high time that the country should know, without any concealment, the condition and state of repair of all the ships in the navy. Only on the preceding evening he was introduced to an American gentleman who owned more ships than there were in the United States Navy, and who, with another American and a Prussian gentleman, had recently visited Toulon. These gentlemen said that there were at work in the dockyards of that place no less than 14,000 men, besides 3,000 convicts, and that the French could in 14 days fit out and send to sea 20 sail of the line. By employing their large steam transports, which were from 260 to 300 feet long and were capable of carrying a large number of troops, and the vessels of the *Messagerie Impériale* they could in 14 days send to sea 30,000 men; and if they sent men from Cherbourg and Brest by railway they could, as these gentlemen asserted, do it in even a considerably shorter time. Well, that was the position in which we stood as regarded France. The right hon. Gentleman told them the other day that the country was not in a very safe state, and they had since heard that Russia was collecting an army on the banks of the Pruth, with what object it was not difficult to guess. The late Emperor of Russia was looking out for the death of "the sick man." But the sick man, by the aid of France and England, recovered for that time; but was there no reason to apprehend that the sick man might not be again ready to receive medicine, and that a severe dose might not be preparing for him? What security had we that Russia might not propose the same game to France that she wished us to join in? It might be France had declared she would enter into no arrangement for the dismemberment of Turkey; but they could all recollect that last year France, in spite of a declaration that she would not attack Austria, had deprived her of one of her fairest provinces. Again, they had been assured that the Emperor Napoleon had no designs upon Savoy and Nice, and yet shortly afterwards they saw those territories actually in his possession. In the same way he might now tell us that he was not going to do anything in the East, but had we any reason to trust him? Suppose there were a secret design on the part of Russia and France against any part of the dominions of the Porte—Egypt for instance—the first news that we should hear of it would be that an expedition had sailed for Alexandria, and perhaps had landed. We had a respectable naval power in the Mediterranean—12 sail of the line—but that would not be sufficient to cope with the 30 sail which France could in a few days equip and send out from Toulon fully manned. It was well known that the first news we had here in England of the first Napoleon's expedition against Egypt was the intimation that he had landed there with an army of 40,000 men; and at that time, be it remembered, there was

nothing but sailing ships, and very bad sailing ships too; and now, when the motive power was steam, the army might be transported there in less than a quarter the time. He thought the Government ought, at least, to be able to satisfy the House and the country as to what was the exact state of our navy—how many ships were efficient and sound, and how many they could man in a case of sudden emergency. In his opinion, they could not man many more than they had now in commission. The Government had not carried out the recommendations of the Manning Committee—indeed, they had done little or nothing towards it. He found that he was in error the other evening when he stated that we had 7,300 Coastguard men. What we really had was only 3,200 regular Coastguard men, 1,900 of the district ships' companies, 1,500 Revenue men—civilians who were not fit to go on board a man-of-war—and 600 men in the Revenue cutters. Thus, instead of the 12,000 men recommended by the Manning Commission, we had only about 6,000. The reason of this was that the qualification for entering the Coastguard was 10 years' service. If it was reduced to seven years we could, he was informed, speedily raise the whole 12,000 men. The noble Lord had accused him of insulting sailors by saying that the Coast Volunteers were not to be relied upon, but he was not to be humbugged by calling the Coast Volunteers sailors. He would proceed to notice some other points in which the recommendations of the Commission upon the Manning of the Navy had not been carried out.

MR. SPEAKER said, he must remind the hon. and gallant Admiral that the question before the House was, Whether a Return should be ordered of names of the gun and mortar vessels which had been constructed with short bolts, and not as to the Manning of the Navy generally.

SIR CHARLES NAPIER said, he had thought it was as well to take that opportunity of making a few observations on the general subject; but as Mr. Speaker ruled he was out of order he would content himself with submitting the Motion in the terms stated. He contended that there could be no valid reason for refusing to give the names, and if they were withheld by the Admiralty on the ground that the contractors were about to be prosecuted, he warned the noble Lord that he was about to enter on a long job. The law officers must be consulted, inquiries would have to be made into the specifications according to which the contracts were undertaken, and time would be lost in every possible way. The builders, meanwhile, would represent that the fault lay altogether with the men who drove the bolts; that on their parts no disposition whatever existed to jeopardize the lives of brave men, but that it was impossible for them to exercise a never-failing supervision. In the end the whole affair would be shown to have originated in a misapprehension, the inquiry or prosecution would result in nothing, and the country and the House would not be a bit the wiser. In conclusion, he wished to obtain from the Admiralty, without any prevarication or subterfuge whatever, the names of the gun and mortar boats with the short bolts, and the names of the builders, together with a statement of the vessels in that class which were actually fit for service, and he, therefore, would move for Returns conveying that information.

MR. BENTINCK seconded the Motion.

Motion made, and Question proposed,

"That there be laid before this House, Returns of the names of the Gun and Mortar Boats with the short bolts, and the names of the Builders: And, of those now fit for service."

LORD CLARENCE PAGET: I hope the gallant Officer will not accuse the Admiralty of wishing, intentionally or otherwise, to screen any persons who may have not performed their contracts or have fallen short of their duty to the Government. It would not be fair to the Admiralty to do so; because, so far from entertaining any such desire, I beg to inform the gallant Admiral that before the circumstances were made known in this House, or received publicity in the public prints, the Admiralty had already taken measures to ascertain how far their powers extended of prosecuting such contractors as might appear to be deserving of punishment. The gallant Admiral asks me to mention the names of the gunboats in which the short bolts were found, and the names of their builders. The Admiralty could have no objection whatever to make their names known to the House, if it were not that to do so while the matter is what may be called *sub judice* would be manifestly unfair to all parties. We are taking the opinions of the law officers as to the propriety of prosecuting certain individuals, and if I were now officially to give their names I should be unfairly prejudicing the public mind, and possibly that of the jury before whom their

case may hereafter be tried; and I believe the House would feel this to be an act of great impropriety on my part. I am not prepared to say that we shall be able to prosecute any person; but, if the materials for establishing a case should exist, it is our full intention to bring whoever may be the offending parties to justice. I quite agree with the hon. and gallant Gentleman a that considerable time must elapse before a complete legal case can be prepared; but this unavoidable delay ought not to make us forget the principle that every man is innocent until he is found guilty; whereas to couple the names of men with fraud is to condemn without granting them a fair hearing. As regards the gunboats, there can be no objection to granting, as far as our information extends, the Return which the gallant Admiral has asked for; but, knowing that many of these vessels have before now unexpectedly turned out to be defective, we must not be surprised if that Return should not be strictly correct. The gallant Admiral knows that a vessel may appear to be perfectly sound, and that defects, if they exist, cannot be discovered till we open her timbers and try. The condition of the gunboats is no new discovery. The late Board of Admiralty were aware that there was a great deal of decay among them, and they had no less than one hundred men engaged in their examination and repair. The present Board have increased that number of men to one hundred and fifty, and we are getting these vessels in hand one after the other as fast as we can. Those which are not sound will be repaired, and if—as was the case with some of the mortar boats—they are not worth repairing, the next best thing is to break them up. It is very easy to say—"State the number of efficient gunboats;" but are we to haul them up together, and to employ the whole of our men in the dockyards in examining them to the neglect of other duties? The Board of Admiralty is fully alive to the importance of this matter, and likewise to the necessity that justice should be done. If on examination we find we have no legal case, we shall offer no opposition to a Committee, or to any other inquiry which the House may desire; but, under present circumstances, and bearing in mind that we are acting under legal advice, I trust the gallant Admiral will not press his Motion.

LORD LOVAINE said, he did not attach much importance to the Returns themselves, but he did not think the question had been put on a right footing by the noble Lord who had just sat down. The House did not ask the Government to say whether the contractors were guilty or not; what they wanted were the plain simple facts—in what gunboats had these defects of construction been found, and what were the names of the contractors who had sent out from their dockyards vessels defective in such important particulars? The House had not interfered, and he was not aware of any intention to interfere, with any decision which the Board of Admiralty might arrive at relative to the prosecution of the contractors; and the actual state of the gunboats could not be told until they had been thoroughly overhauled. But, unless the noble Lord declared that the production of these names would be prejudicial to the interest of justice, he should advise the gallant Admiral to persist in his Motion.

MR. BENTINCK said, nobody who was conversant with the proceedings of a dockyard could for a moment suppose that the contractors had been guilty of wilful fraud in substituting short bolts for those of a proper length, because no one would put himself in such a false position for the comparatively trifling amount which might thus be saved. Every shipwright in the yard would have to be an accomplice in such an act of spoliation, and would expect to share the spoil. But the charge which was preferred against the contractors was, that owing to their neglect and to the want of proper superintendence on their part, the lives of hundreds of men had been jeopardised; and the sooner an exposure of their negligence took place the better. The affair might be *sub judice*, and it might be a difficult task to decide who ought to be prosecuted and who not; but that was surely no reason why the House should not be enlightened upon a simple matter of fact—namely, what were the names of the gunboats in which the bolts were found to be short, and who were the contractors in whose yards they were built. That was all the information now sought, and its production could not interfere with any pending legal proceedings. The case might not be one of fraud against the contractors, but that there had been gross negligence nobody could deny, and they had, therefore, a perfect right to ask where the responsibility for that negligence and its consequent risk rested. The noble Lord (Lord C. Paget) was not sure that

the Admiralty would be able to prosecute at all. That was an additional reason for granting this information, for if it was found that legal proceedings could not be taken the whole matter would fall to the ground, and nobody would be any the wiser. The required information could be obtained, indeed, in a roundabout way, but he hoped the noble Lord would re-consider his decision and consent to furnish it in a direct and official shape. He believed that when the rest of the gunboats were examined the whole of them would be found to be thoroughly rotten, owing to the hasty manner in which they were built and the badness of the materials. But a larger and much more important question was involved in this matter. The noble Lord said the late Government were perfectly aware of the state of the gunboats. No doubt of that. Everybody was aware of it. Discussions took place on the subject in that House last Session, and the condition of the gunboats was a standing joke. But that being so, why had the survey of them been deferred till the present time, instead of taking place immediately, for the double object of ascertaining on what gunboats we might rely for purposes of defence, and of adopting prompt measures to arrest the progress of their decay? If a gunboat, found to be rotten in October, was not examined, and the bad material removed, till the following spring, her condition must have become tenfold worse in the interval. She would be touchwood from stem to stern, and not even worth burning. Why, then, were not immediate steps taken to repair the mischief as soon as it was discovered? Moreover, with the knowledge that they had hardly a gunboat that was worth a pinch of snuff, the Admiralty had been lately discharging thousands of shipwrights and other workmen. The noble Lord said it was impossible to employ the whole of the dockyard force in repairing gunboats; but it appeared, with all their admirable professions of anxiety to maintain the efficiency of the navy, the Board had been dismissing large numbers of artisans. In their wretched parsimony the Admiralty had put off the work required to place these gunboats in proper order until they were now found thoroughly rotten.

MR. WHITBREAD said, the hon. Gentleman assumed, without evidence, that the whole of these gunboats were in a state of decay; but such was not the fact. Within the last three years seventeen or eighteen of them had been upon the China station, knocking about in all sorts of weather and tried in every conceivable way, and yet not one word of bad report had been sent home of them. There were also a vast number afloat in the harbours at home of which no bad report had been made. There were sixteen gunboats upon Haslar slip which had still to be examined. These things must, to a considerable extent, be a question of degree. The gallant Admiral thought that the moment one gunboat was found rotten all other work ought to have been suspended to see whether the rest were not in the same condition. [Sir C. NAPIER: No.] The Estimates were pretty large in amount, and perhaps the House might think the Government had gone on fast enough with this expenditure. With regard to the Returns asked for, it would be unfair to make public the names of the contractors who had built these particular boats, while the names of others were withheld who, for aught they knew, were equally guilty; moreover, the facts were not all collected. As he had said, some of the boats had not yet been examined. Besides, the House was perfectly satisfied the other night with the explanation that was given on the subject by the Government. If the Government found that they could not proceed with the prosecutions they would not object to a Committee. The gallant Officer and the hon. Gentleman said they only wanted facts, but the Admiralty could not give the facts without raising a storm of indignation throughout the country, which, whilst the matter was still under consideration, would be contrary to that spirit of fair play which characterized their proceedings. If the gallant Officer waited for ten days or a fortnight he would have that information which if given now would have an appearance of vindictive hostility.

MR. H. TAYLOR said, he thought the House could not, on mere hearsay, adopt a course amounting almost to the impeachment of a respectable body of men. The noble Lord the Secretary to the Admiralty had fairly answered the Motion before the House. No doubt, if the contractors had not faithfully executed their engagements proceedings would be taken against them; but in the meantime opportunity ought to be allowed for a proper inquiry into the state of the gunboats.

SIR MICHAEL SEYMOUR said, he had had some twenty of these vesssels under his command, and must say that no boats could have done their work better as

far as concerned their general character and structure. Many of them received hard knocks, and saw a good deal of rough service, and yet, although the whole of them came in sooner or later for casual repairs, he knew of no instance in which the timber used in making them had been found to be faulty. Indeed, in the main, they might be said to have been extremely well constructed. Many of them had been wholly stripped of their copper, and their only defect was a leakage from a little slack caulk—a circumstance not uncommon in contract-built ships. Caulking was nowhere done as well as in Her Majesty's dockyards. He could not well support the Motion of the gallant Admiral near him; and he hoped that, for the reasons stated by the Secretary to the Admiralty, it would not be pressed. The original sin of these vessels appeared to be the character of the timber of which some of them were built. It was well known that not only in Her Majesty's dockyards but in the private building yards of the country there was a lack of that properly seasoned timber which the undertaking of a large number of such boats would require. Now, in France it was not an unusual thing—in fact he believed it was the system—to give a salt water seasoning in the dockyards to a large quantity of timber, sufficient for the consumption of six or seven years. This was admirably arranged; and he never heard in France of such decay in ship timber as sometimes attacked our vessels. This plan was well worth the attention of the authorities.

MR. W. EWART said, that what he was most anxious for was to have security for the future, and he hoped some system of rigid and thorough inspection of gunboats and vessels generally might be adopted, periodically reporting the results to that House. On the other side of the water experiments were constantly being made, not only in the building of ships, but in testing the strength of their sides; and he did not see why we should not in these matters emulate the activity of the Emperor of the French.

VISCOUNT PALMERSTON: I think my hon. and gallant Friend will feel that this is merely a question of time—and that a very short time—not a question of granting or refusing information to the House. My noble Friend the Secretary to the Admiralty stated that in the opinion of the law officers of the Board the case of those whom it was now intended to prosecute would be prejudiced if a Return were laid before Parliament indicating that they were persons guilty of fraud, and permitted negligence in the construction of these vessels. Whether they have been guilty or not will be the subject of investigation by the prosecution it is intended to institute; and if my hon. and gallant Friend will only wait for a short period, he will find, in ten days or a fortnight, whether prosecutions can be instituted. If prosecutions can be instituted, the result of them will give much more ample and complete information than the Returns now called for. If it be found that there are no legal grounds on which a prosecution can be founded, then undoubtedly any *primâ facie* evidence which a Return can give might be properly laid before the House. But my hon. and gallant Friend will see that the Return at present would really not give the full information which is required, because it would state that in regard to a certain number of gunboats the deficiencies had been found, but until sixteen others, now about to be examined had been so, the Return would be incomplete; and therefore not only would it prejudice the case of those mentioned, but exempt and acquit others in the sixteen additional cases which might appear to be equally guilty when actually examined.

SIR FREDERIC SMITH said, that he thought it very desirable that they should have accounts kept of the repairs necessarily incurred by bad workmanship, distinct from those consequent on the time the boats had been in use. This was the only way of knowing how much blame was attributable to the contractors.

SIR CHARLES NAPIER said, the noble Lord the Secretary of the Admiralty and the hon. Gentleman one of the Lords of the Treasury (Mr. Whitbread) appeared to give a very lame excuse, and therefore the noble Lord came to the rescue. He had guarded himself particularly and most distinctly against accusing the contractors of fraud. All he wanted was the names of those contractors in whose yards the short bolts were used; and he could not see why the names should not be given. He did not ask the names of all the builders, but only those who came before the public as having driven short bolts and bad fastenings into the gunboats. What this had to do with prosecutions he did not understand. As for a storm being raised against them, why, all he could say on the subject was, "the sooner the better;" because that

storm would force the Admiralty to go on and bring them to punishment—the punishment which they would well deserve, of never being employed again. The noble Lord said it was very difficult to know, on looking at a ship, whether there was any defect in it. That was all the excuse the noble Lord could offer on behalf of the inspectors for permitting vessels to enter into the service which would sink when they had been twenty-four hours at sea. His hon. and gallant Friend (Sir M. Seymour) had spoken about the gunboats sent to China. It was not about them that he wanted to know anything, but about the gunboats now at home. The gunboats might have been examined more easily than any other class of vessels. If precautions had been taken at the proper time, the progress of the rot might have been stopped. After the observations of the noble Lord at the head of the Government, however, he would not divide the House, but he was not satisfied with the explanations that had been given; he thought the names of the builders of the faulty vessels ought to be known, in order that they might receive the reprehension which they deserved.

Motion, by leave, *withdrawn.*

THE LATE PRIZE FIGHT.—SOUTH EASTERN RAILWAY.

PAPERS MOVED FOR.

Lord LOVAINE said, he rose according to notice to move an Address for Copy of all Correspondence between the Home Office and the Directors of the South Eastern Railway Company, in the year 1859-60, relating to the conveyance of Persons intending to commit a breach of the Law. He was not on that occasion about to enter into a discussion on the merits or demerits of prizefighting. On a recent occasion an exhibition of that kind, at no great distance from the Metropolis, was declared—rather reluctantly and apologetically, he must say—but it was declared by the Secretary of State for the Home Department to be illegal; and it consequently followed that those who attended those illegal exhibitions or promoted them were accessories before the fact, and equally guilty with the principals. That was not the first time on which complaints had been made of the conduct of the South Eastern Company in this respect. That company had been entrusted, as everybody knew, with a very large portion—he might almost say, with a monopoly—of the traffic in the counties over which their lines ran; and they had been warned of the illegality of aiding and abetting prize fights by himself, when he was a Member of the late Government. It was then understood the directors pledged themselves that nothing of the sort should again take place. Last year a letter was addressed to them by the bench of magistrates of the county of Surrey on a similar occasion; the answer of the Secretary was, that any arrangements for the conveyance of such excursionists had been made without the knowledge of the directors, and that it should not occur again. But so far was the company from keeping this pledge that it allowed two special trains to be run down the line on the morning of the recent fight. At every station in the county of Surrey these trains were met by police, but on passing into Hampshire no police were found, the passengers got out at a station in that county and the fight took place. Nor was this all; with one of these special trains, he was informed, was an officer of the company, a superintendent from the office at London-bridge, while the use of the telegraph was denied to the police authorities while the fight was going on. Under these circumstances he submitted that the complicity of the company was clearly established. Whether it was possible to bring the law to bear on the directors was another question, perhaps it would not be right, as he perceived none of the law officers of the Crown present, to ask the opinion of the Government; but he hoped the House by assenting to his Motion would intimate that they would not permit persons to whom they had given great powers to wield those powers in defiance of the law. Few could form an adequate idea of the inconvenience which arose from those special trains, from which 2,000 or 3,000 of the worst ruffians in London were in a moment launched upon a quiet neighbourhood. He was happy to quote the example of the South Western Company as a Company that had entirely given up the practice, and that had recently refused to grant trains for any such purpose. The House knew that the Executive was not very strong when opposed to numbers, as shown by the case of St. George's-in-the-East, where a mob of ruffians had for the last three months been able to keep up a continual disturbance in the church. He thought it right, therefore, to ask whether the Government had in this instance attempted to enforce the law; or

whether anything had been done to stop the practice to which he had referred?

Viscount PALMERSTON: I do not intend to offer any objection to the noble Lord's Motion, but I must make a protest against the sort of exaggerations in which the noble Lord has indulged. He has described the railway launching 2,000 or 3,000 ruffians upon some quiet neighbourhood in a manner that might lead one to imagine the train conveyed a set of banditti to plunder, rack, and ravage the country, murder the people, burn the houses, and commit every sort of atrocity. I am not going to dispute the point, because I am told that it is the law, that a fight between two men—not a fight of enmity, but a trial of strength—is, technically, a breach of the peace, and an act that renders the parties liable to prosecution; nor whether the persons who go to witness it are not, technically, involved in the charge. But, as far as the latter are concerned, they may conceive it to be a very harmless pursuit; some persons like what takes place, there may be a difference of opinion, as a matter of taste, whether it is a spectacle one would wish to see, or whether it is calculated to excite disgust. Some people look upon it as an exhibition of manly courage, characteristic of the people of this country. I saw the other day a long extract from a French newspaper describing this fight as a type of the national character for endurance, patience under suffering of indomitable perseverance, in determined effort, and holding it up as a specimen of the manly and admirable qualities of the British race. All this is, of course, entirely a matter of opinion, but really, setting aside the legal technicalities of the case, I do not perceive why any number of persons, say 1,000 if you please, who assemble to witness a prize fight, are in their own persons more guilty of a breach of the peace than an equal number of persons who assemble to witness a balloon ascent. There they stand; there is no breach of the peace; they go to see a sight, and when that sight is over they return, and no injury is done to any one. They only stand or sit on the grass to witness the performance, and as to the danger to those who perform themselves, I imagine the danger to life in the case of those who go up in balloons is certainly greater than that of two combatants who merely hit each other as hard as they can, but inflict no permanent injury upon each other. I think there should be moderation in all things—moderation in all opinions; and, although it may or may not be desirable that the law should be enforced—whatever the law may be—still I do not think any advantage is gained or good done either to public morals or public feeling by the sort of exaggerations in which the noble Lord has indulged. At the same time the Motion is one to which I see no objection, and therefore I do not oppose it.

Lord LOVAINE: The noble Lord has pleaded the cause of prize-fighting so strongly that I am almost led to expect that he will bring forward a Bill to make it legal. I was under the impression that all breaches of the law were to be discouraged and guarded against by the Government, and more especially by the Secretary of State for the Home Department; but the noble Lord very skilfully turns the discussion into one on the merits of prize-fighting, whereas I specially guarded myself against saying a word on that subject. I hold with respect to it opinions the opposite of those of the noble Lord; but I did not say a word about prize-fighting. I said that some thousands of ruffians had been carried down by the train to one spot for that purpose. There were persons present at the fight who were not ruffians, I admit. I have heard of great names as having been present. ["Name!"] Of course I shall not mention names; but if the noble Lord had done what I did—if he had gone in a train with some of the gentlemen who were present at the fight—[*Laughter*]—I assure the House I was only a casual passenger—he would have seen that many of the passengers were not such as he would like to be in company with. I repeat, I am not going into the merits of prize fighting; but if these things are to be put down let them be put down. If they are not, let us not be calling on the police to endeavour to preserve the peace in those cases, while you, who occupy a much higher position, are endeavouring to contribute the whole weight of your influence to support those who are abettors in a violation of the law. Let us have one thing or the other.

Mr. VINCENT SCULLY said, he did not think it right to let it go abroad that the noble Lord (Lord Lovaine) stood alone in that House in his condemnation of those exhibitions. He, on his own part, must enter his protest against them; but he thought the noble Lord who brought forward this Motion should fly at higher game than the directors of a railway company who were guided by a desire of profit. The Minis-

ters of the Crown, instead of putting down prize-fighting, lent every encouragement to it. The Home Secretary, whose peculiar business it was to put down prize-fights, defended them; and now the noble Lord at the head of the Government spoke of them only as playful exhibitions of the animated nature of the British lion. It was the duty of the Government to enforce the law, whether they considered it a good law or not. Such used to be the doctrine laid down in his own country, and ought to be applied in this instance. He could only add, that his schoolboy experience taught him that those who set others on to fight were generally cowards themselves.

MR. W. EWART said, he had a few nights since asked the Home Secretary to state what was the law relating to prize-fights, but received in reply an indirect defence of the practice. He thought that if the law said one thing the Secretary of State ought not, even by anticipation, to say another. He did not object to fighting with gloves as an exercise, nor did he object to the art of self-defence, which was better than the knives or stilettos used in foreign countries. Neither did he object to fencing with foils; but he drew the same distinction between such fencing and a duel with swords as he did between a fight with gloves and a prize-fight. The paper which the noble Lord (Viscount Palmerston) had quoted as eulogizing the recent fight, was the *Journal des Débats;* but, in fact, the paper did not justify such proceedings, and only mentioned it as an instance of the pugnacity and vigour of the Anglo-Saxon character. The *Siècle,* however, a paper of great circulation, condemned the proceeding in strong terms. He hoped that the present discussion would terminate, and that they would hear no more in that House about this matter.

MR. CLIVE said, that in justification of the Directors of the South-Eastern Railway Company he felt bound to say that he was informed that they did not admit they had forfeited any pledge. Upon a former occasion a special train was stopped without the Directors' knowledge or sanction, at a place intermediate between two stations, where a fight came off, and a promise was given that in future no trains should be allowed to stop anywhere but at stations on the line. Some time after, and that was the occasion more particularly alluded to by the noble Lord, a train stopped at a station and a fight took place, but the Directors maintained that they knew nothing about it, and had not broken their word. They declared, truly or not, that they could not tell the intentions of those who travelled by their trains, and could not assume that any breach of the peace was intended.

SIR WILLIAM JOLLIFFE said, he was not one of those who were very squeamish on those matters. He admired the skill and courage displayed by Englishmen on such occasions, and more especially the pluck and skill shown at the recent fight; but the question was whether prizefights were not breaches of the peace, and magistrates ought to know what would be their position if they took part in endeavouring to keep the peace on those occasions. He happened to live on the South-Eastern line, and was also a magistrate for the county of Surrey. One or two of those prize-fights had taken place in his own immediate neighbourhood, and one or two of his brother magistrates had run considerable risk of personal danger in endeavouring to prevent them. But what would be their position when it was known that those proceedings were sanctioned by the voice of the Government in that House? He was very much astonished at the tone of the noble Lord (Viscount Palmerston) on this subject; and he wished to place before the House the position himself and his brother magistrates would be in if they thought it to be their duty to suppress those breaches of the peace while they were sanctioned by the executive Government, and encouraged by the railway companies for the sake of gain.

VISCOUNT PALMERSTON: I distinctly stated that it was ruled by legal authorities that such prize-fights were breaches of the peace; but I protest, at the same time, against the exaggerated terms in which the noble Lord (Lord Lovaine) characterized the conduct of the spectators on those occasions.

COLONEL DICKSON said, he was surprised to hear his hon. Friend (Mr. V. Scully) take the noble Lord at the head of the Government to task for the remarks he had made on this occasion, for he (Colonel Dickson) could not understand an Irishman objecting to fighting. The noble Viscount (Viscount Palmerston) had not laid himself open to such taunts. He sat on a different side of the House from the noble Lord, and did not often find himself in the same lobby with him on a division; but he would say for the noble Viscount, that if he had one attribute more than another which endeared him to his countrymen it

was his thoroughly English character and his love for every manly sport. He (Colonel Dickson) would not stand up for prize-fighting, nor had he ever seen a prize-fight in his life; but he would say that the two men who fought on the recent occasion showed qualities of which the whole English race had reason to be proud; our own man in particular, who evinced powers of endurance and an indomitable pluck which entitled him to the admiration of his countrymen. He said so advisedly, as he had been partially disabled at the commencement of the struggle. Many men in this country received honours who did not so well deserve them. He did not think Parliament ought to legislate with the view to put down manly sports; and, with regard to the duties of magistrates, about which the hon. Baronet (Sir W. Jolliffe) professed to have doubts, the law was clearly laid down. Magistrates themselves ought to know when to act and when to shut their eyes.

MR. PAULL said, until the gallant Gentlemen (Colonel Dickson) had spoken he was not prepared to hear that the noble Lord at the head of the Government, after fifty years of memorable public service, would be known to posterity as the patron of prize-fighting. He thought it an unfortunate thing, whether or not it was in the power of the Government to stop those exhibitions, that the First Minister of the Crown and the Home Secretary should be found palliating, if not sanctioning, them. After what the noble Lord had said, he thought the caricature in a certain facetious public print, which a few years ago represented the noble Lord as a bottle-holder, was not altogether wrong.

Motion *agreed to.*

Address for "Copy of all Correspondence between the Home Office and the Directors of the South Eastern Railway Company, in the years 1859-60, relating to the conveyance of Persons intending to commit a breach of the Law."

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.

SECOND READING.

Order for Second Reading read; Motion made, and Question proposed, "That the Bill be now read a second time."

SIR JOHN WALSH said, that pursuant to notice, he rose to move that the Bill be read a second time that day six months. The Bill reminded him of a certain personage, who was said to be like—

"Three single gentlemen rolled into one;"

for it dealt with three separate subjects rolled into one. At that period of the Session, that was an exceedingly convenient mode for the Government to deal with business which seemed likely to overwhelm them. Nothing could be more easy than in that way to despatch a number of subjects which had no necessary or intimate relation to each other. The right hon. Gentleman (Mr. Cardwell) had, in the Bill under consideration, embodied three distinct principles, three distinct sets of details, and three very complicated pieces of machinery, dealing with different interests and different persons. The first branch of the Bill had for its object to enable the limited owner of an estate to charge the inheritance with a terminable annuity, terminating at the expiration of twenty-five years, for the purpose of raising money, to be applied to the improvement of the land. To a principle of that sort, which was a wise and healthy one, he (Sir John Walsh) could have no objection; for under its operation, the settlement of an estate could no longer operate as a bar to its improvement; but when he came to look at the details of the measure, several strong objections presented themselves to his mind. He might also observe that as a difficulty arose from the conglomeration of Bills in the measure, as he objected to the details of some, but to the principles of others. Amongst the first of his objections to this special legislation was that it did not deal with the relation between landlord and tenant, properly so called, at all, but it dealt with the law of real property itself. Why, then, should it be confined to Ireland? There could be no reason why Ireland should be made the subject of exceptional legislation of this kind, regarding the relations between the limited owner and the owner of an inheritance. But he found that this legislation had already been, to a great degree, applied to England. The Attorney General for England introduced a measure which passed in 1856, called the Leases and Sales of Settled Estates Act, and which provided for nearly all the cases that were, by the present Bill, the subject of special legislation; and this same Act of 1856 had been extended to Ireland, and was actually now in operation in both countries. It dealt safely, prudently, cautiously, and, as he was informed, effectually, with the relations existing between the limited owner and the owner of a subsequent estate of inheritance. If it were necessary to make any alterations or amendments in

that Act, let them be made, but in the presence of such an Act, where was the necessity of this part of the Bill? Why not have the same law in this respect for both countries? But the right hon. Gentleman introduced this measure on the ground of the necessity, as he said, of special legislation for Ireland. He objected, also, to the machinery by which the measure was to be carried out. The relations of the limited owners and the owners of the inheritance were of a very delicate character, and required, when touched at all, to be administered by high and competent authorities. But the whole of the machinery of the Bill which dealt with these delicate relations was made to turn on the Chairman of Quarter Sessions in Ireland. He was to be the agent for carrying the Bill into effect. Members connected with England did not, perhaps, understand the exact position of a Chairman of Quarter Sessions in Ireland. He was a very different person from the Chairman of Quarter Sessions in England. In Ireland he was a stipendiary officer of the Government, and exercised not the very highest judicial functions. He did not wish to say a word in disparagement of the Chairmen of Quarter Sessions in Ireland. They were members of a liberal profession; they had many able men in their ranks; but every scale had two ends, and it so happened that the Lord Chancellor and the Lord Chief Justice were at one end of the judicial scale in Ireland, and the Chairman of Quarter Sessions at the other. He was alarmed at the idea of giving such excessive powers as this Bill proposed over the whole landed property in Ireland to judicial functionaries, not holding the very highest position in that country; and they were to exercise their powers without appeal; so that they would, in fact, be irresponsible for their decisions. The principle of *Sic volo, sic jubeo—stet pro ratione voluntas*, would be their rule; and after their decisions were pronounced, it would be impossible to reverse them. In the second portion of the Bill, which dealt with the powers of limited owners, it was provided that the limited owner might grant leases for twenty-one years, and improvement leases for forty years. This was a power attended with great danger. So long as he kept steadily in view the ultimate interest of the owner of the inheritance, the matter was safe; and he (Sir John Walsh) would not, of course, depart from the principles of equity or justice. But the House ought to recollect that the Bill was dealing with the

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interests of those who were inadequately able to protect their own interests. No doubt the Bill made ample provision for notices which were to be served in various ways, according to circumstances. If the party concerned were a minor, the guardian or trustee was to be served. Every legal requirement was embodied in the Bill. But they all knew how difficult it was by those notices to guard the interests of persons who were absent, or perhaps not then in existence. They knew how careless and indifferent guardians or trustees were sometimes to the interests of minors. Perhaps the minor might be a young soldier fighting battles in China, or a midshipman engaged in the Pacific Ocean. How was such a person to be guarded against fraud by the empty formality of legal notices? These improvement leases might be worked by a limited owner greatly to his own advantage, and to the injury of the owner of the inheritance, through the trickery and chicanery that this Bill would enable him to employ. A lease for forty-one years in Ireland was a very marketable commodity. There were plenty of people who would pay a large fine for such a lease; and numbers who would be glad to give a considerable sum of ready money to possess it. He might be told there were clauses in the Bill that prohibited any fine from being taken; but how were these stipulations to be enforced, when the person most interested in enforcing them was not present? Suppose a limited owner endeavoured, with this forty-one years' lease, to deal with a tenant who was willing to make an engagement by which he might possess himself of the farm, at a very low rent. They would look at the improvement clause and see what improvements were necessary. The clause said "these improvements, or any of them;" and there might be six or seven, would qualify the tenant to receive an improvement lease, and would justify the Chairman of Quarter Sessions in giving his sanction to the grant of a lease by the limited owner to the tenant. Suppose the improvement was held to be the removal of stones from the fields, and let the House imagine, for the sake of the argument, that there were some boulder stones among them. That was an improvement that would justify the Chairman of Quarter Sessions in sanctioning this forty-one years' lease at a low rent; and this arrangement would be facilitated by a sum of money which the limited owner might quietly receive. The House could at least imagine a reckless spendthrift or involved landlord who might

have the power, through this Bill and its machinery, of defrauding the owner of the inheritance, the latter of whom might come some twenty years afterwards into the possession of a barren estate. He always entertained great objection to very long leases in Ireland. It was the fashion to object to the customary yearly tenure in that country. Forty years ago very long leases were as general as year-by-year tenure in the present day. He believed that three-fourths of the distresses, the agricultural difficulties, and the evils which had afflicted Ireland, but which were now passing away, were owing to that very system of long leases. To that practice might be attributed the subdivisions, the subletting, the divorce, and separation of the head landlords from his tenants. Regarding, then, these long leases as the curse of Ireland, he looked upon the proposal for their renewal contained in the Bill with jealousy and suspicion. If they looked to Scotland they would find none of these long leases in those parts of the country where the greatest agricultural improvements had been effected. The common tenure of land in Scotland was a twenty-one years' lease, under which large tracts of country had been reclaimed within a very recent period. But in the midst of the most flourishing agriculture the traveller saw now and then patches of six or eight acres not yet reclaimed. These were precisely the pieces of land that the tenant had not been able to get at, through some long existing lease or other obstacle to possession. By the present Bill the sole protection to the owner was the Chairman of Quarter Sessions, and a most imperfect protection he was, as he could not be supposed to scrutinize all the improvements narrowly. Another defect in rendering the Quarter Sessions and the chairman the entire agency for carrying out this Bill was, that as the court was not one of the highest practice, the best legal practitioners did not usually resort to it. If the provisions of the Bill relative to leasing powers, which he had thus felt bound to condemn as the great blot of the measure, were passed at all, they would require considerable modifications. He now approached another portion of the Bill, which might properly be said to refer to tenant right. He did not know whether hon. Gentlemen near him would receive it as such, or whether it would fulfil their expectations, but he supposed it was the mode in which the Government proposed to deal with this much-vexed and difficult question. The right hon. Gentleman (Mr. Cardwell) in opening this question to the House naturally began with the Devon Commission. It was the text-book of every one who was not practically acquainted with Ireland. He did not admit in an unqualified manner the authority of the Devon Commission. He did not wish to disparage the labours of the eminent men who were engaged in it; but that Commission was really an advertisement for grievances. The Commissioners went round the country to collect evidence, and those who were discontented made their complaints known, while those who were contented stayed at home and said nothing. The Devon Commission always seemed to him like a bad photograph, in which all the prominent features were enlarged and all the best parts were thrown into shade. It gave a very exaggerated likeness of Ireland, even in the depressed and calamitous state in which the country then was, when on the eve of a tremendous social convulsion. The Devon Commission described the state of things immediately previous to the famine. He believed that about sixteen years had elapsed, but above one hundred years had passed if they measured Ireland by what it was now and what it was then. The country was altogether changed. Great improvements had been effected, and the remedies which were then applicable were not so now. The Devon Commission gave a very long, and in many respects an exceedingly able, catalogue of remedial measures. The majority had already been adopted, and of the small remnant which the Report indicated was the question of tenant right. That question had been brought forward in many different shapes, and had been constantly rejected as contrary to sound sense, as contrary to the feelings of equity of the British people, and as contrary to those principles of policy and justice which had always led them to the conclusion that the relations between landlord and tenant were better left to the free agency of landlords and tenants themselves. All attempts to interfere with the natural free action of men were false and faulty in principle. He was sure that the right hon. Gentleman, who was so distinguished a disciple of the principles of free trade, would acknowledge that he was correct, and that a departure from those principles could only be justified upon very strong and exceptional grounds. But he said that if those ex-

ceptional grounds ever existed in Ireland they did not exist now, and that the state of things was such that there was no difficulty whatever in landlord and tenant dealing with each each other as landlord and tenant did in England. Many of the evils which formerly existed arose from subletting, and he believed that sublettings were gradually disappearing. Except where some old lease subsisted the relations between the landlord and the occupying tenant were now direct, and it was the general desire of landlords in Ireland to establish that rule. Hon. Gentlemen who represented Irish constituencies were exceedingly anxious to persuade the House that the people were not happy and not progressing, and that all ideas of improvement were illusory. An hon. and learned Gentleman, who had a Bill upon this subject, took the right hon. Gentleman the Chief Secretary to task for having spoken of the increase of horned cattle as a test of prosperity, and quoted statistics to show that the cereal acreage had diminished. [Mr. HENNESSY: Hear, hear!] He had great respect for the hon. and learned Gentleman, as a young Member of great promise and distinguished talents; but as far as he could see, the bent of the Gentleman's genius was not bucolic. In dealing with facts and statistics he did not think that the hon. and learned Gentleman exactly understood where they would lead him. The number of acres under wheat cultivation was not a test of progress. A better test was the number of quarters per acre which the land produced. There might be too much cultivation. Bad farmers sometimes grew too many corn crops and impoverished the land. Although it was quite possible that the number of acres under corn cultivation might be less in Ireland now than ten or twelve years ago, he was quite certain that the agricultural improvement in that country had been most marked and most decisive. These horned cattle, which were the bugbears of the hon. Gentleman's imagination, really were great fertilizers. If they wished to have good corn crops, it was necessary to have stock on the land, and therefore the increase of horned cattle was rather a proof of the increased fertility of the soil. It might be that crops of turnips and clover had taken the place of corn crops, but there was no doubt of the fact that the improvement in the agriculture of Ireland was wonderful. It was now the agriculture of the farmer instead of the cottier, with his wretched cultivation of a few potatoes, a patch of oats, and, perhaps, a little wheat, extracted from the soil by the stimulus of lime, until the stimulus failed and the land would produce nothing. The whole of Ireland was now advancing in cultivation and in comfort, and it was impossible to visit the Irish peasantry in their own homes without seeing that they were better dressed and fed than they used to be. They were no longer those miserable objects who used to haunt the roadsides to pain and disgust the passer-by. Well, then, he thought Parliament ought to leave well alone. They ought not to interfere between landlord and tenant, and attempt by this peddling legislation to alter a process which had worked so beneficially. He admitted that for a Tenant Right Bill there never was one more mild and moderate than that of the right hon. Gentleman. His objection to the earlier portion of the measure was not so much to principle as to details; to the latter portion he was opposed on principle rather than on points of detail. There was a danger in admitting the necessity of dealing with the relations between landlord and tenant in Ireland otherwise than in England. If such an admission were made, there would be plenty of people to push it further than those who proposed it ever intended. Even the fact that the Bill was almost of a permissive character, and gave the landlord a veto upon projected improvements, inspired him with alarm, because hon. Gentlemen would say "You admit the principle, and yet you shrink from carrying it out. We thank you for the principle, but we spurn your provisions. By passing this Bill you will give us a ground of vantage, and will show to Ireland that you are endeavouring, by a worthless concession, to satisfy an agitation which you will thereby only feed and excite." No doubt, hon. Gentleman who favoured the tenant right movement would use this argument. The Bill would not satisfy them, and this concession would give them a stronger ground for carrying out those ultimate objects which were so subversive of the real prosperity of Ireland. Of late years the whole tendency of events, even the misfortune and calamities which Ireland had undergone, had tended to remove the differences which existed between the two countries and to bring them into closer connection. A wise legislation would encourage and assist these processes, and endeavour to unite the two countries still more closely by similar interests and simi-

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lar laws; but the Bill aimed at the very reverse of all this. If it passed there would be a broad distinction between the mode in which Irish and English tenants were dealt with. He, therefore, objected to the measure as uncalled for and mischievous, as likely to promote agitation, instead of appeasing it, and he should feel it his duty to move that it be read a second time that day six months.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question.'

MR. MAGUIRE: Sir, the House has listened to the hon. Baronet with that attention which his ability always commands; still I cannot help saying that I have never heard a stranger speech or a more unaccountable Motion than that which he has delivered and proposed. What the real object of his notice of Motion is, I really do not know, unless it be that he wished to have an opportunity of stating his views and opinions at considerable length, not only for the advantage of this House, but of the country at large. Sir, it is my duty to refute some of the statements and assumptions of the hon. Baronet; and I shall also endeavour to show the House that it would act wisely, not only in adopting the principle of the Bill now before it, but in making it better and more useful for the classes for whose advantage it is intended, and thus laying the broad foundation of the future prosperity of Ireland, and cementing between the two nations those bonds of amity and union, without which England is not and cannot be really strong or powerful. It is also my duty to show that Ireland is not so happy and prosperous as the hon. Baronet described her to be, and that the state of things in that country is not so balmy and delightful as it was his object to make us believe it to be, from the picture which he has so glowingly painted. The objections of the hon. Baronet to the first part of the Bill, indeed to two parts of the Bill, refer entirely to their details, and not to their principle. But there was an objection as to the structure of the Bill, and the variety of subjects which it embraces. Now, I cannot see the force of the objection that the Bill is divided into three parts, and that it deals with different interests; for, after all, no matter in what manner they are described, all these different branches are of the same question, and refer to the same subject,—they are all intimately identified with the one ostensible object of the Bill, the improvement of the soil and agriculture of Ireland. So that I cannot agree with the hon. Baronet in condemning the Government for having treated the interests of different classes—limited owners, inheritors, and tenants at lease and at will—in the same measure. Besides, were they treated of in distinct Bills, one Bill only might be passed, and that the least important, while the more important measure might be sacrificed to the discussions on the other. In as far as the hon. Baronet's objections mainly apply to the machinery and details of the Bill, I would avail myself of the stereotyped answer given on such occasions, which answer is in this case founded in justice, and ask the hon. Baronet to support the second reading, and then in Committee seek to improve the details, and make perfect the machinery—in which task, no doubt, he would be supported by a majority of the House. The hon. Baronet strongly objects to referring matters of such grave moment as those connected with property and land to the Chairmen of Quarter Sessions, or Assistant Barristers, as we are in the habit of calling them in Ireland. But here again is a mere question of detail; and if the hon. Baronet will only attend when the Bill is in Committee, he may propose, that an appeal should be given to the Judge of Assize in cases where serious controversy should arise, or he may endeavour to limit the value of the interests to be entrusted to the jurisdiction of Chairmen of Quarter Sessions. However, I can assure the hon. Baronet that those officials, whom he seems rather to think lightly of, are generally not only men of great eminence in the legal profession, but that many of them are large owners of property, and that all of them are more or less imbued with strong landlord sympathies, and respect for what are termed the rights of property. At the same time they are just and upright men, and, though their sympathies, interests and feelings are not identified with the tenant class, I firmly believe they would hold the scales of justice evenly, no matter whether those who appealed to their tribunal were clad in broadcloth or in frieze. The hon. Baronet gives us his idea of the real cause of the misery of Ireland—the misery which, he asserts, is entirely of the past, but which, according to him, has no existence whatever in the present day. Before he does

so, however, he cleverly seeks to damage and discredit the authority of the Report of the Devon Commission. But is there any man pretending to the character of a statesman who is not prepared to rely on the authority of that Commission and its Report? No matter what Government happened to be in power since the publication of that grave document, they have successively relied upon it as their chief justification for dealing with the question of the tenure of land in Ireland. The hon. Baronet is entirely wrong in saying that the Commission was a mere advertisement for grievances, and that it reflected only one phase of society in Ireland. On the contrary, eminent landowners, agents of extensive estates, men in high position and entirely impartial, came before that Commission and gave their evidence; and not merely tenant farmers who had wrongs and grievances to expose, and who would perhaps naturally give exaggerated pictures, the result perhaps of their individual miseries and oppressions. Having done his best to discredit the authority of the Report of the Devon Commissioners, the hon. Baronet then places all the evils of Ireland to the credit of long leases. No doubt such leases as created the system of middlemen were a great evil, and had acted injuriously on the country; but that system has been utterly swept away; and what we now seek for, are not leases under which tenants may divide and subdivide the land, but improvement leases, for the encouragement and protection of intelligent and industrious tenants, and for the better cultivation of the soil. The Devon Commission did not lay the misery of Ireland to the score of long leases; and in order to show the hon. Baronet and the House the real cause of the evil which existed, and which I assert still exists, I will quote a passage or two from the digest of their Report. The chief reason assigned is that farmers would not invest their capital in the improvement of the soil, because, from the want of legal security, they were not certain of reaping a remunerative profit from their investment. Here, Sir, in the following passage is a cause very different from that assigned by the hon. Baronet:—

"It has been shown that the master evil, poverty, proceeds from the fact of occupiers of land withholding the investment of labour and capital from the ample and profitable field for it that lies within their reach on the farms they occupy; that this hesitation is attributable to a reasonable disinclination to invest capital or labour on the property of others, without a security that adequate remuneration shall be derived from the investment; that no such security at present exists in regard to the vast masses of cases, including tenancies from year to year and leases with short unexpired terms; that the characteristic tillage of the country is most barbarous and unprofitable, &c., &c."

After describing the evils resulting from this fatal system, the writer thus continues:—

"No effort is made by the farmer—1st. Because he is not certain of being permitted to reap a remunerative benefit from his exertions; 2nd. Because, if a tenant-at-will, he may be immediately removed from the improved lands after having invested his labour or capital without receiving any compensation for what he has done, or his rent may be immediately raised to the full value of the improvement thus effected by such labour or capital; 3rd. Because, if a tenant with a lease, the unexpired period of his term may be insufficient to remunerate him, and at its termination he may either be removed, without receiving the balance of his investment, or his rent may be raised so as to deprive him of the power to repay himself from the lands."

These extracts show most clearly that the reason why the tenant did not expend his labour and capital on the land—in other words, in improving his dwelling and his out-offices, and in developing the capabilities of the soil—was, that he did not know when he might be removed, or his rent raised to the full value of his own improvements. The Government have been blamed by the hon. Baronet for having by this Bill attempted to establish one system of laws for Ireland and another for England; but neither this Government nor any other Government is answerable to the charge of having proposed or created a difference in the legislation of the two countries. It is the different practice which prevails in both countries which has made the difference; and legislation only seeks to deal with the state of things which it finds to exist. The fact is, Irish landlords are very different, as a class, from English landlords. The latter, as a rule, do everything for the tenant; the former, with a comparatively few exceptions, do nothing for him. In Ireland, the tenant builds, drains, fences, reclaims bog; and it is his hardy labour that climbs the mountain side, and changes sterility into bloom and beauty. No doubt, there are improving landlords in Ireland, men who delight in seeing their tenantry respectable and comfortable, and who, having means at their disposal, accumulated perhaps during their minority, build houses for their tenantry, and assist them to make permanent and

beneficial improvements on and in the soil. It is also true that some Irish landlords, who have resided in England for some time, have imitated the example of their English friends on their estates at home. But these cases, however numerous they may be, are after all mere exceptions to the general rule, which is, as I have said, that in Ireland it is the tenant who does everything, and not the landlord. This being so, nothing could be more monstrous or absurd than any attempt to apply the same principles to both countries. The hon. Baronet has drawn a bright and glowing picture of the present state of Ireland. I wish I could believe that the picture was a faithful one; but I regret, as an Irishman, to be compelled to express my doubts of its accuracy. And I hope that Irish Members, for the sake of a momentary object, will not be led to represent their country otherwise than it really is. Can any Irishman in this House assert that his country is so prosperous that no cause for regret is left? Is there no misery, no poverty, no oppression, no discontent? Was it last year, or was it the year before, that an hon. Member, now a Member of the Government, moved for an inquiry into the state of Donegal? That inquiry took place, and disclosed such an abominable state of things, existing in an extensive district, as one could hardly imagine to exist except in a state of society almost savage. One witness in the landlord interest—a plump, rosy, well-fed doctor—actually came forward to prove that seaweed and bad potatoes were the most nutritious food for the people—that seaweed was an admirable article of diet for the independent and sturdy yeomanry of Donegal! In many parts of the country there is still great misery among the people, though I cannot deny that, taking the state of Ireland generally, considerable progress has been made within recent years. There does not exist that grim and terrible poverty of the famine period, when thousands and hundreds of thousands of the people literally rotted away from hunger; but what I do assert is this—that, with all the evidences of a better state of things, there is no comparison between the condition of Ireland and the condition of England. The hon. Baronet is in the habit of visiting the south coast of Ireland once a year, seeing his agent, drawing his rents, and off again: but if he would leave his yacht in Cork Harbour or Valencia Harbour this summer, and make a tour through the south—through Cork and Kerry—I venture to say he will have a different tale to tell when he next rises to address the House on this Question. Where in Ireland are the comfortable homesteads, the substantial out-offices, the advanced tillage and scientific treatment of the soil, which meet the eye everywhere in this country? In Ireland, the English traveller beholds bad cultivation, rude implements of husbandry, and houses in which, it may be said of too many of them, an Englishman would scarcely wish to put a dog. Not to say anything of the millions of acres of waste land, there are to be seen large portions of the soil, within the limits and boundaries of farms, almost in a state of nature, and left to remain in that condition, to the injury of the tenant, the landlord, the community, the country, and the empire at large. Now, these things, which make an Irishman ashamed, do not proceed so much from the poverty of the people, as from their disinclination to invest their capital in substantial and permanent improvements, because of the small security which they have of ever being able to obtain a return from them in case of eviction. Of course, there are many instances where tenants have built for themselves, or their landlords have built for them, commodious dwellings and sufficient out-offices; but, as a rule, the state of things which I describe too generally exists to this day. There are in Ireland as noble specimens of the landlord class as any country can boast of; but there are, unfortunately, unscrupulous, tyrannical, political, and foolish landlords as well; and the greater part of this class require the constant prick, not of conscience, but of a strict law, to keep them right. Legislation is not required for the good—they are good without it; it is for those who are inclined to act unfairly or foolishly, that, for the interests of the country, legislation is necessary. For instance, a tenant may improve; but if an election come, and he is moved by a strong sense of right to vote against his landlord, what security has he that he will be allowed the benefits of his improvements?—what security has he that he may not be summarily evicted from his farm? How is it that so few Irish Members have raised their voices in favour of reform? Because they know that, to the great mass of farmers, those who hold from year to year, and who are, therefore, entirely dependent on the will of their landlord, the franchise, so far from being an advantage, is a positive curse. It is a no-

torious fact, that if a candidate at an Irish election have the landlords with him, he is pretty sure of his return; but, if he happen to have them against him, the most desperate efforts must be made to counteract their enormous power. Tenants from year to year, on whom the burden of the cultivation and improvement of the land rests almost entirely, are afraid to improve; for they know they may be turned out at a moment's notice. In his speech the Secretary for Ireland stated that evictions had fallen off last year to 2,500. Surely that number was more than sufficient. It is no proof of prosperity and happiness that so many families were compelled to abandon their only means of livelihood. I object to the material portion of the present Bill, because it does not provide that sufficient protection for the industrious tenant, which the circumstances of the country imperatively demand. I admit that the right hon. Gentleman (Mr. Cardwell) is anxious to serve Ireland; still I cannot help regretting that the Attorney General had not more to do with the Bill—for he knows the wants of the country, and what would really promote its prosperity; and he cannot be satisfied with the measure as it now stands, or believe that it meets the necessity of the case. The great foundation of the social fabric in Ireland is the farming interest, represented by the occupiers of the land; and, if their condition be benefited, if their farms be improved, the estates on which they live must be improved, and the position of the owner must be improved; and while the happiness and prosperity of Ireland is secured, England is enriched, and the empire is strengthened. At first, according to the statement of the right hon. Gentleman, if a tenant-at-will applied to his landlord for leave to improve, and if the landlord refused, that refusal terminated the tenancy. That most absurd and fatal proposition does not appear on the face of the present Bill; but the Bill now provides that if the landlord refuse to allow the tenant to improve, he must not do so. I ask the Government, is that the way to improve the condition of Ireland?—is that the manner in which the energy and industry of the occupiers are to be stimulated and encouraged? On the contrary. Ought not the object of legislation be to give every man who is willing to improve his holding, by the sweat of his brow and the outlay of his capital, the fullest opportunity for the exercise of his energy and industry; and in the event of his tenancy terminating, ought not the tenant have a claim for full and fair compensation—provided that his improvements were suitable to the holding, and calculated to raise its letting value? If a man build a good house on his farm, or erect suitable offices, or reclaim bog or waste land, he injures no human being thereby; but he benefits himself and the estate, he improves the condition of the landlord, and he gives an impetus to various branches of industry in the village near him. To render the Bill really suitable to the emergency, the veto of the landlord should not be a bar to improvement. If the landlord will improve, let it be so; but if he will not or cannot himself make the required improvement, do not allow him to prevent the tenant from doing so. Bid him stand out of the way, and not be a barrier to progress and prosperity. Then, as to the nature of the compensation given where improvements are made with the sanction of the landlord, it is utterly inadequate. For instance, after twenty-five years' occupation of a house which the tenant has built, he is not entitled to any allowance whatever. Would any Gentleman present build a house on such terms? Would he consider that the occupation of it for twenty-five years was quite sufficient return for his outlay? Surely not. Hear what the Devon Commissioners say on this subject:—

"If the full value of the land be paid by a tenant, where new buildings are required, and that no deduction or allowance be made to supply the means for erecting such buildings out of the proceeds from such lands, or out of the proprietor's funds, it appears reasonable to adopt the suggestion of a large class of witnesses, who recommend that the tenant who builds at his own cost should be repaid, on removal from his farm, the value of such buildings in their then existing state, limiting, however, the class and cost of buildings and the consequent claim of the tenant with strict reference to the size and description of the farm or holding; and this latter restriction in Ireland would require much caution and forethought.

"The broad principle here is, that the farmer must be supplied with all those essential matters which his enterprise absolutely requires, and that this must be furnished out of the proceeds of the land."

The hon. Baronet was perfectly correct in his anticipation when he predicted that my hon. Friends would desire more than the Bill proposes to give. It is our duty to demand all that we can or ought obtain for those we represent; and we, therefore, vote for the Second Reading, in order to afford ourselves an opportunity of endeavouring to make the Bill better in Committee. We are accused of wishing to deny,

or rather not enjoy, the tide of prosperity which, according to the hon. Baronet, is now flooding our country. Why, Sir, we would be the first to rejoice at the prosperity of our country, and the happiness of our people; but we are here to speak, and not to disguise, the truth. I ask the House, I ask the Government, if Ireland is so happy and contented as she is stated to be, why has the Government refused to entrust the people of that country with arms at this moment? I ask, why are they not called on to arm, as the people of this country? The truth must be told—because it is well known that a large class of the people are discontented, and not happy and prosperous as represented. But, Sir, it is not too late to effect a change; wise and generous legislation, given with kindly and noble words uttered by Parliament, would work a magical effect on a sensitive, a warm-hearted, and a grateful population. I demand an earnest and an honest legislation for Ireland, not merely in the interest of Ireland, but for the peace and happiness of the empire at large. God knows I look with the gloomiest apprehension to what I believe is looming in the future; and it is for the welfare of all the interests that this House holds most dear, as well as for those which I represent, that I implore the Government to improve and pass the present Bill, and to give other remedial and conciliatory measures to the people of Ireland. I ask this House, is it a sign of prosperity that the Irish race are leaving the land of their birth, and that the stream of emigration is deepening and widening in its current and in its volume? The bone and sinew of the land are being wafted across the Atlantic to add to the population and strengthen the power of America. That would be a fearful day for England if America, losing sight of her cotton interest, came into collision with her—with the strong Irish element against her; for every Irishman who leaves these shores carries with him an abiding sense of wrong, that rankles into hatred in his breast against England and English institutions. This may seem exaggerated language; but I have seen letters written by those who have been driven to the United States, either by the pressure of adversity, by the action of oppression, or by a love of adventure; and they breathed a feeling of hate and vengeance which no language could exaggerate. I desire to give our people a stake in their country—something that they could defend, something to bind them to the soil. The population of Ireland are now as a ship riding at single anchor, awaiting the first favourable wind to unfurl its sails, and seek a distant shore. I want to retain what we still have left to us after famine, death, and emigration; and while I believe that nothing would tend so much on the one hand to give a further impulse to that which needs no additional impulse, I believe, on the other, that a liberal Bill would have a tendency to check what I hold to be a ruinous draining of the strength of a nation. I honestly desire that you will now try and make the people of Ireland—those whom we can still call our own—prosperous, independent, and happy, the friends of peace, law, and order; and, Sir, the statesman who will effect this, by wise and liberal legislation, will prove himself the greatest benefactor that country has ever possessed.

MR. GEORGE said, that if anything could have induced him to oppose the second reading of this Bill it would be the speech just delivered by the hon. Member for Dungarvan. He thought the time had gone by when the House of Commons was to be treated to a tirade of abuse against the landlords of Ireland. The hon. Member had given play to the fancies of his brain, and gloated over the imaginary wrongs of his country. The hon. Member had painted miseries which had no existence. He possessed as much experience as the hon. Member; he was continually travelling in Ireland—north, south, east, and west—and he must conscientiously say that the statements of the honourable Member were exaggerated, if not entirely unfounded. He begged to remind the right hon. Gentleman the Secretary for Ireland of his solemn declaration that it was not the intention of the Government to affect the rights of the landlords of Ireland, or to lend themselves to the subversion of the rights of property. He regretted to hear the right hon. Gentleman state that one rule was to be observed in Ireland, and another rule in England—and that that which was done by usage and good feeling in England must be done by law in Ireland. To speak of the Devon Commission as a criterion of the state of Ireland at the present day was a great solecism. That Commission was issued in 1845, and the witnesses who were examined before it were such only as had grievances to dilate upon and expose. The state of Ireland in 1845 and in 1860 was as different as the state of the desert and the most blooming

garden. At that time there were misery and woe in the country. It was on the very eve of that fearful famine which began in 1846, and continued for years afterwards. What was the fact now? How changed was the country from what it was? That very morning a Statistical Return had been delivered to hon. Members, in which he found some facts that bore upon the question before them. He found that, in 1849, four years after the date of the Devon Commission, the number of paupers in Ireland, including the out-door recipients of relief, amounted to 620,747, whilst at that moment they were only 44,929. But it was not alone in the physical aspect of the people that there had been improvements. Their moral status had infinitely changed; and in the next column of the same Return he found that, whilst in 1849 the convictions in Ireland were 21,202, in 1859 they were but 2,735; that in 1849 the acquittals were 20,767, and in 1859, 3,109. He thought, then, he was justified in saying that both in a moral and physical aspect the situation of the Irish people since the date of the Devon Commission had greatly improved, and that the Report of the Commissioners was no guide to the present condition of Ireland. It was notorious, unhappily, that in the same period the population had seriously decreased; that owing to the famine and its attendant evils, and the emigration which succeeded, it had been reduced from 8,000,000 to 6,000,000, though, perhaps, 5,000,000 was nearer the correct amount. There was another circumstance that was worthy of notice. By the operation of what had been the Encumbered Estates Court, and which was now known as the Landed Estates Court, no less than £25,000,000 of property had changed hands in that country, and he believed that considerably more than £20,000,000 of property had, by investment of Irish capital, been transferred to the hands of the Irish people. In many instances farmers had become proprietors, and the difference in the aspect of the country concurrent with that change was remarked by every traveller. Allusion had been made to the decrease in cereal crops; and he thought that might be accounted for to a certain extent by the enormous diminution in the population, which had led, of course, to a scarcity of and an enhanced value for labour—a circumstance that had induced many farmers who used formerly to indulge a little too much in tillage crops to resort to grazing, in which they had been further encouraged by the high price which butter had realized in the market. At the time of the Devon Commission too the number of small holdings in Ireland was 691,000; but that amount had fallen off in 1851, when the last census was taken, to 113,222. These facts he had mentioned in order to show the House that the Devon Commission was no criterion to go by, because the state of the country then and now was totally different. The whole system of labour in Ireland — the agriculture, the habits, and manners of the people, had become more and more assimilated to those of England; and so far from endeavouring to draw a line, that there might be one usage in England and a strict and obligatory law in the sister country, he believed that the anxious desire of every Government ought to be to increase as rapidly and as completely as possible that assimilation of the two countries which consisted in an identity of interests, rights and privileges, burdens and obligations. That that principle was not thoroughly recognized was, however, proved by the fact that there were upon the Paper that evening five Bills which had exclusive reference to Ireland. With regard to the Bill now before the House he could not concur in the definition of a limited owner, as contained in it; nor did he think that the provisions as to leasing powers were so good or so clear as those of a leasing powers Bill which had already passed the House of Lords. He strongly objected to the large powers which were by this Bill to be transferred to the Judges of local Courts in Ireland. The extent of the facilities which a tenant for life would enjoy of burdening the inheritance as against his successor was also a point to which he was opposed. In the name of "improvements" by the limited owner and his tenants a sum might be raised which would diminish the value of an estate of £1,000 a year by £400 per annum. Having repeatedly expressed himself in favour of a settlement of the landlord and tenant question he should vote for the second reading of the Bill, without however pledging himself to those details of which he disapproved.

MR. POLLARD-URQUHART said, he would support the Bill as likely to give considerable satisfaction in Ireland. He firmly believed that this Bill would be the means of effecting a great deal of improvement in the relations of landlord and te-

nant. In answer to the objection that this Bill would give a tenant for life great opportunities of burdening the estate, he could say that a similar provision was in operation in Scotland, which had been attended with no ill results. Considering the great increase of emigration that was going on in Ireland, and the progress of agriculture in that country, he thought they were particularly bound to consider and settle this question at the present moment.

MR. DAWSON said, he also should give his support to this Bill. He had not heard the speech of the Secretary for Ireland in introducing the measure, but he was surprised on reading it to find the name of Mr. Sharman Crawford, who had brought the question forward in 1835, when he sat for an English constituency, omitted from the list of those who had assisted in the legislation upon this subject. In the Bill before the House he recognized a fair and just measure, and one that contained within itself the elements out of which a satisfactory settlement of this question might be effected. The circumstances of Ireland were such that the capital as well as the industry of the tenant was required for the proper cultivation of the land, and tenants were therefore entitled to fair compensation for the improvements they had made whenever their tenure was altered or terminated. He rejoiced that it was proposed to extend the powers of landlords to grant leases, and he should hail the disenthralment of the soil from various feudal restrictions by which it was still bound. The press of Ireland had declared that the Bill would become a dead letter, and certainly the measure did not create any enthusiasm in the northern counties of that country; but he trusted that the present offer to set at rest this long-vexed question would not be rejected, and that, stripped of all illusory enactments, this Bill would soon be enrolled in our statute book.

THE O'DONOGHUE then moved the adjournment of the debate.

MR. VINCENT SCULLY appealed to the hon. Baronet (Sir J. Walsh) to withdraw his Amendment, and allow the Bill to be read the second time. In Committee they would see whether they could not make a good Bill out of it. The provisions respecting tenant's improvement formed the only part of the measure that he cared a farthing about. The rest was all "bosh." The machinery of the Bill required remodelling.

MR. WHITESIDE said, the hon. Member for Cork had adduced the best argument for agreeing to the adjournment. That hon. Gentleman had alleged that two-thirds of this measure were, as he had classically phrased it, "bosh," and the remaining third impracticable. For himself he desired to see the question settled; but having served a long apprenticeship to it he was convinced that this Bill never would settle it. Dealing as the measure did with the real property of the country, it ought not to be passed without the fullest consideration. The hon. Member for Cork, in his oratorical excitement the other evening, said he would prefer a bad law for both countries to a good law for Ireland and a different one for England. Now, he took exactly the opposite view, and wished to have a good law for Ireland, which was at the same time not very dissimilar from the law in England.

MR. CARDWELL said, he had no wish to stand in the way of an adjournment if such were the wish of the House. He had no doubt the right hon. Gentleman (Mr. Whiteside) when he had the opportunity, would state all the objections he could urge against the Bill; and, on the other hand, he believed he should be able to show sufficient reasons why it should be sent to the other House with every prospect of successful enactment this Session.

Debate *adjourned* till *Thursday*.

LANDLORD AND TENANT (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. DEASY said, he rose to move the second reading of this measure. [*Cries of* "Adjourn."] He hoped he should be allowed to proceed with the second reading of this Bill. It was merely a measure of law reform which all sides of the House consented to, and his object in moving the second reading was to advance it a stage. It was a Bill for consolidating the existing law of landlord and tenant in Ireland, and was principally taken from the Bill of the late Lord Chancellor for Ireland (Mr. Napier). It repealed partially or wholly fifty-five Acts of Parliament. The principal Amendments in the law it proposed to introduce were these. It made the relations between landlord and tenant a matter of contract. It proposed to restrict the power of distraining for rent for one year, and to provide that all receipts should

specify the date for which they were given, and that in the absence of date the receipt should be held to apply to the last rent due. It proposed to give remedies against waste. It proposed to extend the right of ejectment for non-payment of rent to yearly tenancies; but so that the tenant should, on payment of rent, get back his land; and it proposed to extend the jurisdiction of the Civil Bill Courts from £50 to £100. These were the principal provisions of the Bill. He would most gladly receive suggestions as to its Amendment, from any quarter. The Bill involved no social changes, but, as he had said, it was simply a measure of law reform.

Mr. WHITESIDE said, that it was true that the clauses of the Bill were similar to that which had been introduced some years ago; but there was this difference, that neither the law of distress nor the law of fixtures had been dealt with. The Bill he had prepared was, no doubt, a better Bill than that introduced some years ago, and the law of distress was dealt with. It had been thoroughly revised and reprinted, and he would compare it with the Bill now introduced, and on a future occasion submit it to the House.

Mr. VINCENT SCULLY said, he must protest against the Bill being now read a second time. It was a very long Bill, and required great consideration.

Lord FERMOY said, he was of opinion that if this Bill was not read a second time, they would never get on with their legislation. It appeared to him that there was nothing in the Bill that would press heavily on any tenant who was desirous of paying his rent and managing his farm properly. The details could be more maturely considered when the Bill got into Committee. At the same time, he should be very glad to see the Bill of the right hon. Gentleman opposite dealing with the law of distress introduced. The two Bills might be considered together, and, if necessary, referred to a Select Committee.

Mr. HASSARD said, he also should support the second reading of the Bill. The measure of his right hon. Friend (Mr. Whiteside) was not the objectionable Bill before referred to; but the one which had been privately printed and circulated, and was a measure he should be glad to see introduced and considered with the present Bill.

Bill read 2°, and *committed* for *Monday* next.

Mr. Deasy

LAND IMPROVEMENT (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

Lord ROBERT MONTAGU said he rose to order. It was the rule of the House that a Bill should not be brought in on the same subject twice in one Session. He was informed by the hon. Member for Westmeath (Mr. Pollard-Urquhart) that this Bill was identical with one on the same subject which the House had rejected in March last. It was now brought in under another name.

Mr. SPEAKER said, if the Bill was the same in substance, it was undoubtedly the rule of the House that it could not again be introduced, and the order must be discharged. But the fact must be ascertained.

Viscount PALMERSTON remarked, that independent of this objection this was a Bill to which the greatest objections existed on other grounds.

Mr. HENNESSY said, the noble Lord had given him no notice of the course he had intended to pursue, and had moreover spoken in the absence of the hon. Member for Westmeath. If the order for the Second Reading were postponed till Thursday, he should be prepared to say what the Bill was.

Second Reading *deferred* till *Thursday*.

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, May 16, 1860.

Minutes] Public Bills.—1° Highways (South Wales; Tramways (Scotland).
2° Annuity Tax Abolition (Edinburgh); Consolidated Fund (£9,500,000).

ANNUITY-TAX ABOLITION (EDINBURGH) BILL.

SECOND READING.

Order for Second Reading read.

The LORD ADVOCATE moved the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. HADFIELD said, he rose to express his very great surprise that a measure such as that proposed should have

been brought forward, after the assurances which were given last year that they would have a perfect and satisfactory settlement of this long-vexed question. So far from the Bill being a relief to the people of Edinburgh it seemed to him that it would impose a permanent tax upon them. It provided that the tax should be continued for fifteen years for the purpose of forming an accumulated fund to be applied to the support of certain of the clergy, but the Bill contained a further provision that if, at the expiration of the fifteen years, the requisite sum of money was not raised, the tax should be continued. Was that a satisfactory settlement of a long-vexed question, which had led to outrage and violence being committed, and in some cases the military even had to be called out? Meetings of inhabitants had been held to protest against this Bill. It was only so late as Monday last that resolutions had been adopted by the magistrates of Edinburgh entirely disapproving of the Bill. He was greatly astonished to find the hon. Member for Edinburgh, (Mr. Black) a gentleman whom he had always taken for a staunch voluntary in favour of this Bill—indeed he had hesitated to believe it was really the case until the hon. Gentleman rose and acknowledged it in his place. He advocated the voluntary principle, and to show the value of this principle, he need only mention that the members of the Free Church in Scotland had raised amongst themselves, for purposes of their own religious progress and instruction, a sum of money amounting to about four millions within the last sixteen or seventeen years. He stood there solely upon his rights as a member of the British community, and as a Member of Parliament, and he objected to perpetuate a tax upon any people for the purpose of maintaining any system of religious instruction of which they disapproved. Was the Ministers' tax in Ireland compounded for, or did the people listen to anything like a compromise? No; but they had persevered in a plain, positive, and direct principle, and the consequence was that the tax was abolished altogether. He could not allow a Measure so completely at variance with Nonconformist principles to pass without entering his decided protest against it, and he should feel it his duty to take the sense of the House upon it. He, therefore, begged leave to move that the Bill be read a second time that day six months.

MR. PADMORE seconded the Amendment.

Question proposed, "That the word 'now' stand part of the Question."

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. CAIRD said, he wished to explain the reason why he had withdrawn his opposition to the Bill. It was simply because the Lord Advocate had intimated that the most objectionable part of the Bill, to which the hon. Member for Sheffield (Mr. Hadfield) had referred, would be withdrawn by him in Committee; namely, the provision of an accumulating fund. That was a principle so objectionable that the whole of the people of Edinburgh raised their voice against it. Nearly all the public bodies had sent petitions to that House against it, and he had presented petitions himself, signed by 15,000 inhabitants of Edinburgh, against that principle. But that principle the Lord Advocate had signified his intention to withdraw, and he (Mr. Caird), in the exercise of his judgment, thought he might be promoting a settlement of this question by not opposing the second reading. The Bill contained many objectionable points; but he hoped when the House went into Committee they would obtain such a modification of those parts of the Bill which were now deemed objectionable, as would give satisfaction. In the first place, he thought that the establishment of an Ecclesiastical Commission, in a Presbyterian country, was a very objectionable step, and he trusted the Lord Advocate would reconsider whether some method more in accordance with their views in Scotland could not be adopted. He thought it would fare better with the Church in Edinburgh if it threw itself more on the goodwill and the voluntary efforts of its own people than it had shown a disposition to do. Not only the example of the Free Church, but the remarkable results that had attended the efforts of Professor Robertson in the Established Church, who had succeeded in raising near a quarter of a million of money, and in building more than 250 churches by voluntary contributions, showed that the Church of Scotland need fear no injury from relying on the good-will of its members. Under the circumstances he should not offer any opposition to the second reading of the Bill.

SIR JAMES FERGUSSON said, it was

a noteworthy circumstance that, so far, the only hon. Member who had opposed the Bill was unconnected with Scotland in any way whatever. The reasons on which that hon. Member (Mr. Hadfield) had based his opposition to the measure might be urged with equal force against the maintenance of an Established Church in England. It was impossible, while recognizing the principle that an Established Church was to be maintained, to do more than was done in this Bill to lighten the burden which the maintenance of the Church involved; and, therefore, it was that he supported the Bill. The hon. Member had taunted the Lord Advocate with having abandoned the voluntary principles he professed in framing this measure; but any one acquainted with the learned Lord, and with the subject on which the House was now asked to legislate, would perceive that that taunt was wholly unfounded. His noble Friend was, in fact, endeavouring to lighten the taxation of the people of Edinburgh, and still to maintain at the same time the privileges of the established clergy in that city; and the temperate and conciliatory character of his Bill derived additional confirmation from the circumstance that the hon. Member for Stirling (Mr. Caird) had withdrawn his opposition to it. The hon. Member for Sheffield had grounded his objection to the continuance of the provision for the established clergy in Edinburgh on the attendance at two churches there—the Canongate and the Tolbooth; but he (Sir James Fergusson) submitted that it was altogether unjust to take the amount of money collected in seat-rents in any church in a poor district as a test of the efficiency of a church establishment; for it was precisely in a poor district that there was the greater need for the Church being supported by the State. Besides, the poverty of attendants at the churches referred to was easily explained—it was entirely owing to the manner in which the patronage was exercised. He believed the present incumbents were forced on the respective congregations against their expressed wishes. The hon. Member had also said the Lord Advocate had rejected every suggestion for a compromise which had been offered to him. He (Sir James Fergusson) would rather say that the Town Council of Edinburgh had rejected every compromise that had been offered by the Lord Advocate. He believed that this measure was altogether one of compromise.

Sir James Fergusson

It was a compromise to those who objected to the maintenance of a church establishment by endeavouring to terminate, after a certain number of years, that which they regarded as an obnoxious impost. The learned Lord had conciliated the Church, inasmuch as he had recognized the duty of the community of Edinburgh to support the established clergy, and the Church, too, had shown an earnest desire to effect a compromise of the matter, by consenting to a reduction of the present number of the clergy in that city from eighteen to thirteen. The hon. Member had likewise talked of this being a new tax; but it would be needless to show that it was a very old one, and one which it was the duty of the City of Edinburgh to pay. It was, however, by the Bill under consideration to be a lighter and a terminable tax. The learned Lord, in truth, in his anxiety to secure a compromise of this vexed question, had done everything short of stripping the clergy of their means of subsistence. But when he proposed a permanent tax, the Town Council objected to its permanency; and when he spoke of a temporary tax, then straightway they were in favour of a permanent one. How was it possible to deal with people who acted thus? He (Sir James Fergusson) admitted there were objections to be taken to the Bill. It proposed, for instance, to reduce the number of the clergy; and he thought if such a proposal were made with respect to the clergy of the Established Church in London it would be met with a storm of disapprobation. It was certainly a strange course to take where the community was increasing and multiplying, especially in the poorer districts. It was a mistake to say that the Church of Scotland had agreed to any such reduction of the number of its ministers. Even in the presbytery of Edinburgh there was considerable difference of opinion upon that point. He thought it would be satisfactory to the House if the hon. Member for Sheffield were to withdraw his Motion, seeing that the hon. Member was opposed to those with whom he generally acted in the House, and especially to those hon. Members who were chiefly interested in this question.

Mr. MACKIE said, he hoped the Amendment would be withdrawn, and the Bill be allowed to pass, as he believed it would go far to heal a religious sore of long standing in Edinburgh. As proofs of the strong feeling of hostility with which the annuity-tax was regarded in that city, he

might state that during the last two years no less than 112 summonses had been issued against persons for refusing to pay it, and that on a recent trial a jury had refused to convict in a case where it was shown that the accused had interfered to prevent the execution of a warrant issued to compel payment of the impost. He did not, however, sympathize with the persons who had refused to pay, for he held that no man had a right to set himself above the law, and that so long as it continued to be a law it was the duty of every lover of order to obey.

MR. BLACK, after referring to the numerous attempts which had been made without success to obtain a settlement of this exceedingly disagreeable question, said, I last year introduced a Bill which was founded on principles which, I believe, were congenial to the spirit of the Christian religion; and because I support the Bill of my right hon. Friend I am now charged by the hon. Member for Sheffield with having departed from the principles I have always professed. I must remind him that in my Bill of last year, which was supported by the Nonconformists generally, I provided that the eighteen ministers of Edinburgh should have a vested interest in their stipends during their whole life; and the tax was therefore continued, not for fifteen, but for more than twice fifteen years before it would cease. It is questionable whether the burden upon the citizens would have been greater by it or by this upon the principle of a terminating tax. As far as the removal of the burden of the tax is concerned, it is only provided for by a different process, and this Bill, I hope, will receive the early sanction of Parliament, while the other might have continued the struggle and the strife for many years. On the first reading of the present Bill, I must confess I did not receive it with favour, because at the first it did not appear to me to accomplish the object aimed at, and perhaps I had some little partial affection for my own progeny. Upon duly considering, however, the great responsibility that lies on me as a representative of the City of Edinburgh, I felt that if on personal consideration, or on account of my own peculiar denominational views, I were to be accessary to frustrating a measure which would have a tendency to alleviate the burdens of my constituents, which would promote peace and remove a great scandal from religion, I should be pursuing a most unjustifiable course. I am, as is generally known, a Dissenter. I approve most heartily of the voluntary principle. But I have not been sent into this House merely to support any denominational views which I hold. I stand here as the representative of the City of Edinburgh, and feel bound to promote the best interests of that community by every means in my power. With that view, I have been led to believe that this measure afforded a basis on which we might come to a satisfactory settlement of the question. I must acknowledge that in coming to that conclusion I did not secure the approbation of a great many who formerly supported me. On the contrary, I experienced a considerable amount of obloquy and opposition. My learned Colleague and myself were assailed by a certain portion of our constituents in no very measured terms for bringing in and supporting this Bill. We thought it best to face our opponents, and took advantage of the Easter recess to meet them fairly, and discuss the question with them, and they at length acceded to what I consider to be the essential principle of the Bill. And it will be seen that the meeting unanimously acquiesced in the proposition that there should be ultimately thirteen ministers, and that the city should provide £600 a year, with undoubted security, for each of them. This is the essence of the Bill, which I consider my right hon. Colleague and myself bound to maintain, and rather than depart from what I consider the terms of agreement, to withdraw the Bill. Another part of the Resolutions agreed to by the meeting, referred to the question whether the tax should be continued at a higher rate for fifteen years and then ceases, or that the rate should be small but permanent; the meeting, and I believe the majority of the inhabitants, prefer the smaller rate, though it should be a permanent burden. I do not agree with them. I think the tax so objectionable that I should like to have the prospect of its speedy and total abolition; but as one great object of this Bill is to promote peace, I don't think it would be prudent to provoke agitation by thwarting them in the mode of providing for the clergy; and whether we approve of this mode or not, I feel bound to submit to the general decision, though I do so with regret, as I consider it a much greater violation of principle than the plan originally proposed in this Bill. Allow me here to say that an

unfair representation was made to some Members of this House on this subject, and it is but right to undeceive them. It was said that this Bill proposed to lay a tax on the present generation, to accumulate a fund to provide for the clergy, and to relieve future generations from the tax. That was all a mistake. The fact is, this Bill did not propose to add a farthing to the taxation, but to give a certain amount of relief for fifteen years, and then to abolish it altogether. If this Bill does not pass, the tax will be heavier than the income tax so much complained of; and if it had passed, as originally proposed, it would have been at once reduced, and in fifteen years abolished. However, since the people will have it reduced, and permanent at 4*d.* or 3*d.*, they should have it so. There is only one other question on which there may be some difference, that is the value of the seat-rents; but that may be left for calculation and adjustment in Committee, along with other details, which I will not detain the House by alluding to at this stage. This question is complicated by a variety of circumstances—first, in regard to the locality affected by the tax. Sometimes, when the City of Edinburgh is spoken of, it is supposed to mean the large community of 170,000 inhabitants, and sometimes the ancient royalty of 66,000; in the same way as the City of London sometimes means the old city within the walls, and sometimes the whole community of three millions. I mention this, because the eighteen ministers and fifteen churches are sometimes supposed to be appointed to the whole Parliamentary boundaries; whereas they resemble the cluster of ill-attended churches within the ancient City of London; of which common sense says some should be removed from where they are not wanted to districts where they are wanted. Then it should be observed, that the burden of all these ministers and churches is laid exclusively upon the royalty, containing about 66,000 inhabitants; not one-fourth of whom belong to the Established Church; and those who live beyond the line of the royalty, have, if they choose, the benefit of ministrations paid for by others. Again, there has been another anomaly in the case. The lawyers, a numerous and the most wealthy class, have been exempted from the payment of the tax. I am happy, however, to say they have now agreed to waive the privilege which they have too long enjoyed, to enable the plan proposed by this Bill to be carried out, although a considerable minority object to the arrangement. Again, the seat-rents, which are really ecclesiastical funds, are the property of the Corporation, who were at the expense of building the churches; and to complicate this still further, these seat-rents are pledged as a security for payment of the city debt. This Bill proposes to make an equitable adjustment of all these complicated incidents. But there is another material point to be considered in our case. All these ministers were appointed by us, or by our representatives, under certain conditions, so they have a claim upon us, which we cannot ignore; and we are bound in honour to fulfil our obligations. The scheme, to be justly appreciated, should be viewed as a whole. To take one part of it, and distort and exaggerate it is only to alarm the timid and inconsiderate, and to prevent the settlement of a difficult question. The Bill proposes a compromise among all parties, on what I conceive to be equitable principles between the inhabitants of the royalty, the inhabitants beyond the royalty, the members of the College of Justice, and the Church. This compromise should be carried out honestly upon an understood basis; the agreement being that the number of ministers be reduced as vacancies occur to thirteen, and that the City shall secure a stipend of £600 a year to each minister. I must here glance at one clause of the Bill, which provides that £1,500 shall be taken from the police funds for the purposes of the arrangement. I am prepared to hear that this is to extend a portion of the tax for support of the Church over districts which were exempted by law from this impost. Now, this Bill does no such thing;—it only provides that the extramural districts shall pay their just debts in bearing a small share—indeed, a smaller share than they ought to pay, for municipal expenses incurred for their behoof. The seat-rents of the churches, which are the property of the ancient city, were expended for the general purposes of the municipality; it is one of the objects of this Bill to apply these ecclesiastical revenues to their legitimate use—consequently to reduce the income of the Corporation by so much. It is therefore necessary and just that the districts which till now took the property of the City to pay for their expenses, shall henceforth bear their own burdens. The opposition to these propositions has been aggravated by the feud which has long raged between

the Dissenters and the Establishment. The Dissenters, formerly a minority, now number at least two-thirds of the population, and the grievance of the Annuity-tax has been to them a powerful lever with which they have operated against the Church; some of them would prefer carrying on the war against the clergy, and hope, by increased resistance, to abolish the tax by force. But I am not disposed to carry on the war. I want to have peace among all sects and parties, and the time seems favourable. I believe the world is growing wiser when the very clergy begin to be reasonable. The clergy are disposed to concede, the members of the College of Justice have agreed to surrender their exemptions, Leith has withdrawn its opposition, and the citizens are offered a great diminution of taxation: and should the citizens reject this compromise, the conflict may be continued for many years, during which they would have to pay a tax of 10½*d.* instead of 4*d.* or 3*d.*, and at last they may not be able to make so favourable a compromise as is now offered. As long as the clergy refused to make any advances towards conciliation, and the College of Justice insisted on retaining their exclusive privileges, the inhabitants of the royalty carried the sympathies of the public with them; but if these advances towards conciliation are rejected by them, and the war is carried on with increased rancour, they will lose the sympathies of the public, the tax will be rigidly exacted, and all chance of a favourable compromise may be lost. I gave this warning to the citizens, and I would give a similar warning to the friends of the Establishment, if this compromise is prevented by their obstinacy, then, as the fault will be theirs, the danger to the Church will be increased. I am prepared to hear great objections to the reduction of the number of the City clergy, and that the quarter of the town where these are situated requires the superintendence of even more than at present minister in that district, and that provision should be made for the great extension of the town. Now, it should be borne in mind that the population cannot increase in that quarter any more than the population of London within the old walls can increase in the old town. The merchants are converting the houses into warerooms. I was myself guilty of evicting about a hundred of the most vicious of our population, and pulling down all the houses in the closes, and converting them into warehouses; and a new street is at present being made from the High Street to the railway station, which has caused the removal of a great many of the houses of the district, so that all this talk about providing for the extension of the town, and the necessity of maintaining such a staff of ministers, is mere moonshine. In the year 1841, Mr. Abercromby, then Speaker of this House, writing on this subject to the Town Council, says:—

"The question with regard to the number of the City clergy in Edinburgh may give rise to considerable diversity of opinion. I am decidedly of opinion that the number ought as occasion offers by the death of present incumbents to be reduced to thirteen. It is not contended by the Presbytery of Edinburgh, as I hear, that the collegiate charges should be continued. . . . If there had been only thirteen clergymen in Edinburgh, would the Presbytery have ventured to propose that an addition of five should be made to the number? I assert, with confidence, that no such proposition would have been made. I compare the provision made for the religious instruction of the population of the royalty with that made for the population of St. Cuthbert's, the different districts of Glasgow, of Paisley, and other places; and I find that it is much larger, with thirteen ministers, than in any of those important towns.

The fact is, the Establishment is encumbered by a superabundance of ministers and churches in the ancient royalty. There is not population to fill them, and when they are only a half or a fourth filled it is like a wet blanket thrown upon both minister and people. It would be wise to reduce the number and increase the ardour of both. A late excellent minister in one of these churches, with a considerable dash of humour in his composition, in a speech before the Presbytery when complaining of the inappropriate positions he had been placed in, compared his congregation to Æneas' fleet after the storm—*Ravi nantes in gurgite vasto.* Now, what are the facts of the case? In the ancient royalty there are ten churches and twelve ministers, and the population is 30,857—the great bulk of them Dissenters. I have here the last statement of the City churches, from which I could have shown how miserably they are occupied; but I will not weary the House by referring to it. Hoping that in Committee we shall be able to adjust the details to the satisfaction of all parties, I should be very unwilling to lose the present opportunity of getting rid of one of the most fruitful sources of bitterness and strife and outrage; and trusting that this measure, if it become law, will tend to maintain peace and goodwill among the

friends of the Church, the Dissenters, and the citizens of all classes, I cordially support the Bill.

MAJOR W. F. HAMILTON said, he wished to remind hon. Members that this Bill might prove in future a precedent for further legislation, and therefore demanded the serious consideration of English as well as Scotch Members. An hon. Member opposite had spoken of the scandal and disgrace of levying a tax upon persons who had conscientious objections to the payment of it. He (Major Hamilton) had conscientious objections to the payment of the 10*d.* income tax; but would the hon. Gentleman withdraw his support from the Government because it imposed that tax in opposition to his conscience? The annuity tax was the result of a bargain, and a bargain which they were bound to maintain. It was a bargain for value received, there was a *quid pro quo*, and the City of Edinburgh bound itself to a perpetual payment of the tax. If the Bill abolished the tax without injury to the interests of those whom they were bound to protect he would give it his support; but if it passed through Committee without sufficiently guarding their interests, he would oppose it on the third reading. In the meantime he would not oppose the second reading of the Bill.

SIR EDWARD COLEBROOKE said, that, although the measure might not go the full length which some hon. Gentlemen desired, it nevertheless offered a compromise. For the first time in the history of Scotland, a disposition was shown by the Established Church to make a concession upon that most important question, and it was, therefore, an occasion on which some concession ought to be made upon the other side. He hoped, therefore, that the hon. Member would not persist in his Amendment.

MR. BLACKBURN said, it appeared to him that the Church of Scotland made the great concession in accepting that measure. The sum to which it was at present legally entitled was over £13,000 a year, and the sum it had actually received of late years was £9,600 a year; but under the Bill it would only obtain a sum which, including the seat-rents, would at most amount to £5,800 a year. Yet the Church, for the sake of peace and quietness, was willing to make the sacrifice. But he did not think it was desirable to bind the Church down to reduce the number of churches within the city. The House ought to leave it to the Church to distribute the money in such manner as might seem desirable. He thought it questionable whether the patronage ought to be left in the hands of the Town Council. He hoped some Amendments in the measure would take place in Committee.

MR. MURE said, he hoped the hon. Gentleman (Mr. Hadfield) would pause before he divided the House upon the Bill. The hon. Gentleman had said the Bill proposed to levy a heavy tax upon the people of Edinburgh for fifteen years. But that was not the case. The Bill did not impose any additional tax upon those who were now liable to the impost. He quite agreed with the hon. Member for Edinburgh (Mr. Black) in deeming the proposed perpetual tax as extremely impolitic; but seeing that the people of Scotland offered no objection to the principle of the measure, it ought to be allowed to pass unanimously. He thought there were clauses which might be amended in Committee, and especially if the tax of 4*d.* was to be made perpetual it should not be levied on occupiers, but on proprietors. He wished also to see provision made for the maintenance of some of the charges in the poorer districts of the city. He should give his cordial support to the second reading, reserving all objections for the Committee.

THE LORD ADVOCATE: It is certainly very gratifying to me, and ought, I think, to be very instructive to the hon. Member for Sheffield, that not a single representative of a Scotch constituency has objected to the second reading of this Bill. I hope that the hon. Gentleman will accordingly not press his Amendment to a division—seeing that, whatever alterations he is desirous of making in it, there is a general feeling in favour of its principle among the representatives of Scotland. Under these circumstances, I shall not occupy the time of the House in answering objections which have not been made, but shall content myself with giving an explanation of what I propose to do in Committee. It is quite true that the Bill as it stands proposes to continue the collection of the existing tax for a period of fifteen years from the ratepayers who are at present liable, and from the members of the College of Justice, to whom its application is to be extended, in order to accumulate a fund by which a permanent endowment for the clergy may be secured. It is, however, altogether a mistake to

suppose that this accumulation would be derived from the tax. It would be derived from the concession on the part of the clergy of the City of Edinburgh of a considerable portion of that to which they are now by law entitled, and from the reduction in their number, to which they are also willing to consent. It has been represented to me by a portion of the community of Edinburgh, and by the Town Council of that city, that they would prefer a reduced burden as a permanency to the continuance of the present rate for fifteen years, with the final abolition of the tax at the end of that period. I conceive that that is a matter wholly immaterial to the interests of the clergy. Whether they are to receive the interest on the sum of £120,000 in perpetuity, or whether they are to receive the capital sum within a limited period, is a question which does not affect the interests of the clergy; but I own I did think it material to the interests of the City of Edinburgh. And my own opinion was and is that the proposition of the Bill was the fairer and more advantageous of the two. I was the more encouraged to think so, because in 1857 I introduced a measure for the purpose of abolishing the annuity tax which was practically the same in principle as that now before the House. I proposed in that Bill to continue the tax at the full rate of 10*d.* in the pound, and to form a fund for the endowment of fifteen ministers, and that Bill received the full concurrence of the Town Council. I am sorry to find that there is a general feeling of preference for a reduced permanent rate, and cannot help thinking that the persons who entertain it most strongly have failed to consider the matter so thoroughly and carefully as it requires. I am sorry, I say, to find there is a general feeling among the inhabitants of Edinburgh that a permanent tax on a reduced scale would be the better of the two propositions. But still, in 1853 I brought forward a measure, also with the full concurrence of the Town Council of that day, for the purpose of establishing a perpetual tax at a diminished rate—the rate being 6*d.* in the pound for a temporary period, and 5*d.* in perpetuity. I acknowledge, therefore, that I can state no objection to the principle of a permanent tax. On going into Committee on the present Bill, I shall therefore be prepared to bring forward clauses, the effect of which will be, instead of accumulating the £120,000 as a capital fund for the endowment of the clergy, to secure by a permanent rate the payment of thirteen ministers at the salary of £600 a year to each. I think I shall be able to do that, as far as security goes, in a way that will be perfectly satisfactory to the Church. On the matter of the security to be granted, it is right that I should state what I shall propose. I received in April a communication from the Lord Provost of Edinburgh, in which he made a proposition to me, which, if not exactly the same in point of amount as the one I am going to propose, was at least substantially the same in principle, as far as security was concerned. The Lord Provost wrote as follows:—

"If such a modification were proposed, I would propose to give the Church the best and the only security we have—a preferable security over all our rates, postponed only to the city creditors, and in the event of bankruptcy, the right to a separate rate, to provide the amount for which the city is liable. Under the obligation, we should require the imposition of a royalty rate, in order to meet the deficiency upon our other revenues, which these payments would require, or a larger rate at present, and a smaller one eventually."

Now, I read that passage for the purpose of saying that if I propose a permanent, instead of a temporary rate, I shall certainly take care that the security to the clergy is as good as the town of Edinburgh can afford, and is placed in a position that will, as far as practicable, put it beyond the reach of agitation for the future. I certainly could never consent to adopt a permanent rate as the principle of the measure, unless it were made perfectly clear that the fund for paying the ministers would be a debt on the revenues of the town, and that the additional rate should not constitute a tax with which the clergy were brought into immediate connection, but simply a means by which the town should reimburse itself for payments made. This proposition has been made to me, and I am ready to act on it. It is quite true the question has been raised whether it is right to take the seat-rents at their present amount of £1,600 a year or at the prospective amount of £2,500. I have considered that question with all the attention I could bestow on it, and the conclusion I have arrived at is that the town have no right to require that the clergy shall be debited with a greater amount, in respect of seat-rents, than they at present yield to the town. I shall now say a few words as to one or two other points. The hon. Member for Stirlingshire (Mr. P. Blackburn) is under

a misapprehension when he speaks of the suppression of the city charges. In point of fact they are not reduced. The Bill proceeds on the principle of providing only for thirteen ministers, as an equivalent for the Annuity tax, but the number of charges is left as it is, to be filled up by the Ecclesiastical Commissioners, if they have funds for that purpose. There is another matter which I should like very much to introduce into the Bill, provided that I could do so—otherwise I would not think of doing it—with the general consent of the House. The House is well aware that the Town Council of Edinburgh received from the North British Railway Company, for the rebuilding of Trinity College Church, a sum of money which now amounts to about £20,000. I would propose that that money should be transferred to the Ecclesiastical Commissioners—that that body should be bound out of it to build a church, either now or at some postponed period, in accordance with the judgment of the Court of Session—that the balance of the fund should go to maintain the minister of Trinity College Church, until the number of charges has been reduced to thirteen—and that whatever may then be left should be handed over to the Commissioners to be applied to such ecclesiastical purposes as they may think fit. The effect of such an arrangement would be to confer a benefit both on the town and on the Church. The town would be immediately relieved from the burden of one of the supernumerary charges; and the Ecclesiastical Commissioners would be put in possession of a considerable sum for the purposes of their trust. It is also deserving of consideration whether provision might not be made that the surplus fund should go to buy up the patronage of the town council. I cannot admit that the town council have done anything to forfeit their patronage. I have never thought so either as to the University or as to the Church. But at the same time, I think that if an arrangement could be made by which the patronage could be purchased, it would be desirable to do so. If the case of Edinburgh can be satisfactorily disposed of, there will be no difficulty, I hope, in meeting the cases of the Canongate and Montrose. I can only say, in conclusion, that it is to me a matter of heartfelt congratulation that this long-vexed question is now to be closed by an equitable and satisfactory adjustment.

Mr. HADFIELD said, he could not resist the strong verdict in favour of the second reading which had been passed by the Scotch Members who had spoken, and he felt bound, therefore, to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

House adjourned at half-after Two o'clock.

HOUSE OF COMMONS,

Thursday, May 17, 1860.

Minutes.]—New Writ Issued.—For Lymington, in the room of Sir John Rivett Carnac, baronet, Manor of Hempholme.

Public Bills.—1° Landlord and Tenant (Ireland) No. 2.

2° Registration of Births, &c. (Ireland) (No. 2.); Registration of Births, &c. (Ireland).

THE WHITSUNTIDE HOLIDAYS.

NOTICE.

Viscount PALMERSTON: Sir, I rise to make the Motion of which I have given notice, that the House at its rising adjourn to Monday next. If the House should agree to that Motion, I shall also move that the Committees have leave to sit, notwithstanding the adjournment of the House. Perhaps it may be convenient to the House at the same time to say that we mean to propose that the House shall adjourn on Friday in next week for the Whitsuntide holidays until Thursday in the week following. I think, also, it will be convenient that on Monday next I should move that the present arrangement with regard to Fridays and Thursdays should continue until the end of the present Session.

Motion made and Question proposed—"That this House will, at the rising of the House this day, adjourn till *Monday* next."

THE PAPER DUTY.

QUESTION.

Mr. STANSFELD said, he was desirous of taking that opportunity to put a question to the right hon. Gentleman the Chancellor of the Exchequer, of which he had not the opportunity of giving notice, but which was one of considerable interest. That House had passed a Bill repealing the Excise duty upon paper, and a question had arisen as to

the probable fate of that Bill in "another place." Her Majesty's Government had entered into treaty arrangements with the Government of the Emperor of the French with reference to certain Customs duties, and amongst those duties was included the Customs duty upon paper. The interest of the question which he wished to put would be evident when he read its terms. He wished to ask the right hon. Gentleman—in case the other House of Parliament insists upon maintaining the Excise Duty upon Paper, what will be the position of the question of the Import Duty on Foreign Paper, of which it is intended to propose the repeal?

YEOMANRY HORSE DUTY.

QUESTION.

MR. PEACOCKE said, he wished to ask Mr. Chancellor of the Exchequer the question of which he had given notice—Whether the Horse Duty will be allowed to the Yeomanry this year?

THE CHANCELLOR OF THE EXCHEQUER: I believe it is customary with most men, when they have to deal with two points, to begin with the easier. I will therefore answer the hon. Member for Maldon (Mr. Peacocke) by informing him that, although the Yeomanry are not to be called out this year, according to the intention of the Government, the regular directions have been given for allowing them the exemption from the duty on Yeomanry horses, which is, I think, in accordance with obvious justice.

With respect to the question of the hon. Member for Halifax (Mr. Stansfeld), as it refers to a matter, which, of course, was under the consideration of the Government at the time the Treaty of Commerce with France was being negotiated, and as I learnt a few hours ago that the question was to be put, I sent for a copy of the Treaty with France, and I have no difficulty in giving an answer to the hon. Member, which embodies the opinion of the Government upon the effect of that article. I, of course, take no notice of those portions of the hon. Gentleman's questions, which appear to anticipate that the Bill for the repeal of the duty will probably be lost in "another place;" since that is an occurrence which it is not for me to anticipate. The Seventh Article of the Treaty commences thus:—

"Her Britannic Majesty promises to recommend to Parliament to admit into the United Kingdom merchandise imported from France, at a rate of duty equal to the Excise duty, which is or shall be imposed upon articles of the same description in the United Kingdom. At the same time, the duties chargeable on the importation of such merchandise, may be augmented by such a sum as shall be an equivalent for the expenses which the system of Excise may entail upon the British producer."

Sir, I do not understand the hon. Member to ask me what might be, or might not be, the obligations of England, according to the opinion of Her Majesty's Government, in the event of the repeal of the Excise duty upon paper; and, therefore, that matter I leave for the present altogether aside. But, the hon. Gentleman asks me the opinion of the Government upon the obligations of England, under the Treaty with France, and under the terms of the Address, by which each House of Parliament has bound itself to give effect to the Treaty, in case the Excise duty on paper should not be repealed. Well, Sir, I apprehend that is a question, upon which no person who has examined the Article I have quoted, can possibly entertain a moment's doubt. At any rate, Her Majesty's Government consider it to be a matter beyond all doubt, and beyond all argument or necessity for construction or interpretation; inasmuch as the words appear to be as plain as possible and directly applicable to the case. If there be a duty of Excise on paper, then, subject to a single condition, it is the obvious duty of England towards France, and of the Houses of Parliament, under the terms of their Address, to reduce the Customs' duty on foreign paper to the precise level of the Excise duty on paper made at home. The single condition, to which I refer is, that contained in the latter portion of the clause, which specifies that the duty chargeable on the import of such merchandise may be augmented by such a sum as shall be an equivalent for the expense which the system of Excise may entail upon the British producer. And that principle has been applied, in the course of the present Session, in conformity with the general spirit and express terms of the Treaty, to the case of spirits, where the regulations of the Excise are so restrictive in various particulars, that they entail disadvantages upon the producer, that are capable of being stated in money. And a compensation for these disadvantages, in the shape of what the French call a *surtaxe*, has been added to the import duty chargeable on foreign spirits. But, with respect to the duty on paper, whatever may be its effect in restricting trade—which is

not now a matter of discussion—no one has ever alleged that it imposes disadvantages on the manufacture of paper of such a definite nature, or such an amount as to be capable of being stated in the form of a certain rate of money. No claim of such a character has ever been made, or could be made. The inconveniencies, whatever they are, to the actual manufacturer of the article which we call paper, are not so appreciable or palpable, as to be capable of being reduced to such a form. There will, therefore, be no case for a *surtaxe* like that imposed in the case of spirits, and, therefore, I presume that in such a contingency as that to which the hon. Gentleman has adverted—and which again I decline to accept or to suppose possible—my hon. Friend the Member for Herts (Mr. Puller) will withdraw, or cease to persevere, with the Motion of which he has given notice.

ITALY.

INSURRECTION IN SICILY.—SUBSCRIPTIONS FOR GARIBALDI.

OBSERVATIONS.

Mr. HENNESSY said, he rose pursuant to notice to call the attention of the House to the Statement by the Solicitor General with reference to an advertisement in *The Times* newspaper for raising money to assist the insurgents in Sicily, and to call attention to a decision of the Court of Common Pleas as to the illegality of such a proceeding. He was induced to bring the question before the House in consequence of the reply given by the hon. and learned Solicitor General on the previous Friday night to a question put to him by an hon. Gentleman who was a supporter of the Government (Mr. Grant Duff). His (Mr. Hennessy's) opinion as to the state of the law might be of little weight, but the opinion of the hon. and learned Gentleman had attracted great attention, not only from his official position in that House, but also because he held a distinguished position as a lawyer. It would, perhaps, be convenient if he recalled the attention of the House to the circumstances under which the question was put. The attention of the hon. and learned Gentleman was called in this House to an advertisement which had appeared in *The Times*, relative to the collection of funds to promote the insurrection in Sicily. The hon. Member (Mr. Grant Duff) who introduced the subject frankly owned he wished success to the revolt, and hoped that, spreading into the main land, it would before long overwhelm the King and Government in utter destruction. The hon. and learned Gentleman, in replying, said:—

"The question was, whether the subscribing of money by any of Her Majesty's subjects in this country or paying it into the hands of a foreigner living here with the purpose and object described, came within the rule of common law, or was an offence against any prohibitory statute. Now, it appeared to him that, as long as what was done was limited within the bounds of a mere subscription in this country, such as this advertisement prescribed, no law of this country would be violated. The Foreign Enlistment Act prohibited the enlistment of soldiers and equipping of vessels. It did not in any way touch subscriptions. Any man who thought proper might put his hand into his pocket take out his money and put it into the hands of another on the faith of its going to Genoa to be disposed of by General Garibaldi, without violating any law whatever."

Now, the purpose and object for which the money was collected, were set forth clearly enough in the advertisement, which was published in English and Italian, the English version being as follows:—

"Subscription Fund in Aid of the Sicilians.—The committee appointed at the meeting of Italians, held at St. Martin's Hall on the 4th of May, announce that in conformity with the resolutions passed at that meeting, a subscription has been opened in aid of the Sicilians, and they earnestly invite all Italians resident within the United Kingdom, and all other persons who may be inclined to sympathize in the cause of Italy, to forward, as early as possible, their contributions to assist the Sicilians in their struggle for freedom. The subscriptions, when collected, will be transmitted to a central committee in Genoa, presided over by General Garibaldi."

The hon. and learned Gentleman might also have ascertained the purpose and object of the fund to which subscriptions were invited from the resolutions passed at the meeting referred to in the advertisement, from the pages of the public press, or from the speech of the hon. Member who asked the question. It was perfectly evident that the object of the subscribers was simply to assist in promoting an insurrection against a Sovereign in amity with our own. General Garibaldi, to whom the subscriptions were to be paid, and who commanded the force which had landed in Sicily, had received a good deal of sympathy in this country. Sympathy had also been extended to two Italians who accompanied him. One of these was the notorious Ricciardi, a letter of whose had been published in *The Times* describing the proceedings of the expedition. In a proclamation addressed to the Italians, Ricciardi had used the following language:—

The Chancellor of the Exchequer

"Independence requires revolution and war. All considerations as to progress of knowledge, civilization, industry, riches, and public property must be put aside."

He spoke of Christianity thus:—

"The fatal plant born in Judea—that error which has taken root among men—has only reached its high point of growth because it was invigorated with waves of blood. But a new era will soon begin for men, the glorious era of a redemption, very different from that of Christ."

The despotic tendency of Italian liberalism he thus indicated:—

"We do not want a popular assembly, fluctuating, uncertain, and slow to deliberate; we want a hand of iron to rule a people hitherto accustomed to differences of opinion, and enervated by slavery."

Such were the words of the compatriot of Garibaldi. [*Cries of* "Date!"] The proclamation of Ricciardi, from which he had quoted, was issued in 1848. [*A laugh.*] The other companion of Garibaldi was the equally well-known Zambianchi, of whom some account would be found in a work with which a right hon. Gentleman opposite (Mr. Gladstone) was well acquainted—Farini's *Stato Romano*. In that work it was recorded that in 1849 Zambianchi had gathered together all the priests in San Carlisto, and there slaughtered them. He was well-known in Italy by the title of the "Priest Slaughterer," and was a prominent member of the society known as the "League of Blood." He wished also to direct their attention to the antecedents of Garibaldi himself. A correspondence took place last summer between two noble Lords as to General Garibaldi. In communicating with one of them on this subject he (Mr. Hennessy) called his attention to the character of the secret society of which Garibaldi, as a member, had taken the oaths, and his letter was published in some of the continental papers. It attracted the attention of a distinguished diplomatist employed by Her Majesty, who wrote to him to say he was very much struck by the rules of that society, as they completely confirmed the impression he had previously formed, and to ask permission to make use of his letter as an authority in "another place." Of course that permission was given at once. He would read to the House some of the rules of the society in question:—

"Members who will not obey the orders of the secret society, or who unveil the mysteries, shall be poniarded without remission." "Each secret tribunal is competent not only to judge guilty adepts, but to put to death all persons whom it shall devote to death." "If the victim succeed in escaping he shall be pursued incessantly in every place, and the guilty shall be struck, were he sheltered on the bosom of his mother, or in the tabernacle of Christ."

Few persons were aware of the extent to which these secret societies prevailed in Italy, or the nature of the oaths which they imposed on members. The rules he had quoted would give the House some idea of their character. He would proceed however to call the attention of the House to the opinion given by the hon. and learned Gentleman on the subject of the subscriptions. His statement had attracted much attention on the Continent. In *The Times* of the 15th inst. appeared a letter from a correspondent at Turin, who wrote thus:—

"The late debate in the English Parliament respecting subscriptions opened in England for the avowed purpose of aiding Garibaldi's expedition, will go far, I have no doubt, towards reassuring the King's Ministers here, who thought themselves gravely compromised by the indulgence extended to some of the Sicilian sympathizers, who collected money for Garibaldi here. The position of Sardinia, however, differs in some degree from that of the British Empire, and the Italian proverb says 'the same offence brings one man to the throne, and another to the scaffold.'"

Almost every paper in France, in Italy, and generally throughout Europe had published the opinion on this question given by one of the chief law advisers of the Crown. He would like to ask the hon. and learned Gentlemen himself whether he had not received intimations from subjects of the Queen in this country calling attention to the fact that they had been solicited to subscribe in aid of the Italian insurgents, and requesting him to institute a prosecution against those who thus violated the law. When he ventured the other evening to question the soundness of the opinion given by the hon. and learned Gentleman, he was only able to cite from memory a certain common law case in which an important decision had been given. This was a question, however, which depended, not merely on the common law of England, but also on international law. And he maintained that both by the common law of England and by international law, as understood in every State in Europe, and in every century of civilization, such a proceeding as that which one of the law advisers of the Crown had declared to be legal, was distinctly condemned as a violation of the law. He would first address himself to the common law of this country. They

were fortunately in possession of a decision on the subject by the Court of Common Pleas—a very thoughtful and deliberate decision, given by one of the most eminent Judges who evers at upon the bench. In the year 1824 a case came on for trial before Chief Justice Best, in which the question arose whether a certain engagement to raise money was valid or not. The Chief Justice laid down the law that the engagement being to raise money to promote insurrection against a Government in amity with our own was null and void, and subsequently, on a Motion for a new trial in the full Court, and giving the unanimous judgment of the Court, he said :—

"It occurred to me at the trial that it was contrary to the law of nations, which in all cases of international law is adopted into the municipal code of every civilized country, for persons in England to enter into engagements to raise money to support the subjects of a Government in amity with our own in hostilities against their Government ; and on further consideration I think that my opinion at the trial was right, and on that ground that we ought not to grant a new trial."

The force of this decision would be understood by every hon. Member of the House. It at once declared that the act set forth and described in the advertisement in *The Times* was illegal according to the common law of England. He might, perhaps, be allowed to say a word upon the general question of international law and policy. He should quote the opinion of a learned Gentleman, once a Member of the House, whose authority would be admitted. Mr. Phillimore, in his *Commentaries on International Law,* said :—

"A State is *prima facie* responsible for whatever is done within its jurisdiction. A body politic is responsible for the acts of individuals which are acts of actual or meditated hostility towards a nation with which the Government of these subjects professes to maintain relations of friendship or neutrality."

He had a higher authority, however, than Mr. Phillimore—that of a gentleman who, he trusted, would take part in this debate —the present learned Attorney General himself. On February 19, 1858, on the second reading of the Conspiracy Bill, the hon. and learned Gentleman laid down the general principle :—

"It is undoubtedly a principle of our law that whatever tends to interrupt the amity of the Sovereign with a foreign Power in alliance with our Sovereign is an offence, to use the language of some of the older statutes of our country, against the amity of the Crown."—[3 *Hansard,* cxlviii. p. 1824.]

Mr. Hennessy

Another Member of Her Majesty's Government gave his opinion upon the subject in 1851. Dealing with a question closely resembling the present, the then Home Secretary, Sir George Grey, said—

"I shall not be contradicted by any legal authority in this House when I say that foreigners adopting any measure with the view of levying war against any foreign country with which this country is at amity are guilty of an offence at common law, and are punishable on conviction by fine and imprisonment."

At the time of the Conspiracy Bill, as well as he remembered, a distinction was drawn between foreigners and subjects of the Queen. It was alleged by the noble Lord at the head of the Government that the subjects of the Queen could be punished for certain offences, but that foreigners residing here could not be punished for those offences. The question which they were now considering was, whether an act in which both subjects and foreigners residing here had taken part was illegal, and therefore the authorities which he had read were much stronger than on the occasion to which he had referred. There remained a still higher authority—he believed he might say the highest living authority in this country—Lord Lyndhurst. It was a remarkable fact that a circumstance very similar to this occurred in the year 1851, and Lord Lyndhurst, in calling attention to the advertisement of the Central National Italian Committee for obtaining funds to raise insurrection in Italy, said—

"Now, it is quite obvious, my Lords, that this is a breach of the implied engagement which those persons entered into when they came to this country to seek the protection of our laws, and I am sure your Lordships will join with me in reprehending such conduct in the strongest possible terms. My Lords, I am not so weak as to suppose for one moment that much money will be raised in this country by a body of this description. People are much more ready to throw up their caps and shout in favour of liberty, equality, and fraternity, than to lay down their money for such objects."—[3 *Hansard,* cxv. 623.]

Fortunately, at that time Lord Lyndhurst's question was not addressed to a Member of Her Majesty's Government, whose sympathies with the Italian cause made him for the moment forget the common law of England, and Lord Grey, who replied to Lord Lyndhurst, used these remarkable words :—

"Her Majesty's Government disapprove of any such proceedings as strongly as the noble and learned Lord himself, and to the full extent of the authority invested in them by the constitution and

the law they would discourage and discountenance all such proceedings."

The effect of that debate in the House of Lords was that proceedings ceased, the advertisement was withdrawn, and the Central Italian Committee to promote insurrection was not heard of again until within the last few months. He might content himself with making this statement; but he felt that the present question was really connected with some others which had lately engaged the attention of the House. He felt that it was above all connected with certain despatches which the noble Lord the Foreign Secretary had thought fit to address to the Court of Naples; that it was very intimately connected with the attitude of the Emperor of the French, and the territorial changes which were taking place or impending in Europe; and, with the utmost respect, he would ask the House, on whose opinion the public opinion of Europe had so often relied, carefully to consider before they endorsed the insurrectionary spirit which he was sorry to say pervaded a certain portion of the English public, and before they encouraged the filibustering expedition of Garibaldi. Some time ago it was made a reproach to our friends across the Atlantic that they encouraged filibustering expeditions, and the American Government was called upon by more than one of the European Governments to explain their conduct. They repudiated those expeditions; but now, for the first time, one of the oldest established Governments of Europe—an old monarchy—actually came forward to sanction, almost to enforce, a filibustering expedition. There was a time when the foreign policy of England was not associated with revolutionists. There was a time when it was directed to maintain legitimate order, to uphold dynasties, and to promote the cause of civilization in Europe, and not to promote, as it now seemed, not only the cause of revolution and anarchy, but, as he thought he had indicated, the cause of assassination and outrage. He begged to apologize to the House, and particularly to the Solicitor General, for having presumed to call his attention to a point of law, and he assured them that in doing so no one knew better than he did himself how very poor his opinion must be.

The SOLICITOR GENERAL: Probably before this discussion proceeds further, it may be thought desirable that I should now state to the House, what was the real purport of the answer which I gave to the question put to me on Friday night last. I thought, at the time, that it was desirable I should be very careful and precise, and I endeavoured to be so. I prescribed strict limits to myself, but I see by the Report, with which I find no fault, that, especially if my answer be read disconnected from the question, what I said may tend to mislead. With the permission of the House, therefore, I will, as on that occasion, refer to the important words of the question. The hon. Gentleman (Mr. Grant Duff) gave notice of his intention to ask me, whether my attention had been called to an advertisement, which appeared in the *The Times* of Wednesday, the 9th of May, announcing that a subscription had been opened in London in aid of the Sicilians; and whether persons, in this country, who contributed to the fund which it was proposed to raise, would render themselves liable to any legal proceedings. I intended to give a precise answer to that question. I understood—as I think every one would understand, and as I presume the hon. Gentleman who put the question intended by the words with which it concluded—by "legal proceedings," proceedings in a criminal court, by way of indictment. I considered the question I was answering to be simply whether a person who should read this advertisement, and in his own mind approve the result to which it points, and, acting singly and individually, pay money into the hands of any one of the recipients named—aye or no, is he liable to be indicted at common law for a misdemeanour. My opinion was, and is, that he is not. I am not prepared to say that upon a matter like this, which is not of frequent occurrence, that is an opinion in which, without being limited and guarded, every lawyer in this House will concur; but I take upon myself the answer which I then gave, in the sense and with the intention I have explained. I will state, in a few words, the reasons for my view; but I must previously express a hope that the hon. Member (Mr. Hennessy) will excuse me if I decline to follow him into some of the topics to which he has thought fit to advert. It is not for me to defend Garibaldi, or any person who may be engaged with him, in any part of Italy, in any act of insurrection. All I have to deal with is the dry point of law, and the propriety of the answer which I gave the other night. I repeat that my real intention in giving that answer was to express my opinion that

an individual who by himself, of his own free will, paid a subscription of this sort, would not, by the mere simple fact of his subscribing, render himself liable to an indictment at common law. The question is whether that would be an indictable act. I am not prepared to question the doctrine — though the point is a very different one from that which the hon. Gentleman has brought before the House —that persons engaged in a conspiracy to foment, or excite, insurrection in the States of a friendly Power, would be liable to prosecution. The hon. Gentleman has stated that noble Lords and persons of high authority have laid it down that such a conspiracy may be dealt with criminally as a misdemeanour, and the persons engaging in it visited with fine and imprisonment. So far from taking exception to that doctrine, I will quote a passage from a speech of Lord Lyndhurst on this point. The noble and learned Lord said, on the 4th of March, 1853 :—

"If a number of British subjects were to combine and conspire together to excite revolt among the inhabitants of a friendly State—of a State united in alliance with us—and these persons, in pursuance of that conspiracy, were to issue manifestoes and proclamations for the purpose of carrying that object into effect; above all, if they were to subscribe money for the purpose of purchasing arms to give effect to that intended enterprise, I conceive, and I state with confidence, that such persons would be guilty of a misdemeanour, and liable to suffer punishment by the laws of this country, inasmuch as their conduct would tend to embroil the two countries together, to lead to remonstrances by the one with the other, and ultimately, it might be, to war."—[3 *Hansard*, cxxiv., 1047.]

I find no fault with that proposition, but every lawyer is aware of the extreme difficulty of bringing the provisions of the criminal law to bear on such a case ; indeed, we had not long ago a proof, in the case of Dr. Bernard, of the extreme difficulty of applying the common law—assuming it to be the law—against persons conspiring in this country to forward some act that was to take place in a foreign country. In justice to myself, I must repeat that I expressed an opinion, the other night, only on the particular case which was put to me. No person has asked me what would be the condition of persons forming themselves into a Committee, for the purpose of exciting or supporting an insurrection in a foreign friendly State. I gave no opinion as to what might be the position of persons causing the insertion of these advertisements in the newspapers, or of the publishers of the newspapers themselves ; much less did I take upon myself to express any opinion as to what might be the consequences, penal or otherwise, of a conspiracy such as was referred to in the debate in the Lords. With this limitation, I still hold, and I repeat the opinion which I expressed the other night. The Foreign Enlistment Act does not touch the case of subscriptions; but there is the strongest evidence in that Act of the insufficiency of the common law of this country to deal with offences of this description. The preamble of the Act runs thus :—

"Whereas the enlistment or engagement of His Majesty's subjects to serve in war in foreign service without His Majesty's licence, and the fitting out and equipping and arming of vessels without His Majesty's licence for warlike operations on or against the dominions of any foreign Prince, State, &c., or against the ships, goods, or merchandise of any foreign Prince, &c., as aforesaid, may endanger the peace and welfare of the kingdom ; and whereas the laws in force are not sufficiently effectual for preventing the same —"

It does not give a penal character to offences in violation of its enactments beyond the terms of the common law ; it makes the offences, which arise from such a violation, misdemeanour, and misdemeanour only; and therefore there is in it the strongest evidence of the insufficiency, in a general way, of the common law doctrine of misdemeanour to reach these cases. My attention has been called by the hon. Gentleman to a case decided in the Court of Common Pleas, and from some general observations made in that case—more in the way of *dicta* than decisions on any particular point—he has inferred that the act of subscription would, according to the authority of the Court of Common Pleas, amount to an indictable offence. Upon that point I am entirely at issue with the hon. Gentleman. I do not deny that, in the case of a foreign loan attempted to be raised here, for the purpose of fomenting an insurrection in a foreign country in amity with us, the Court of Common Pleas, in an action on the contract, has held that the contract could not be enforced, being tainted with the character of illegality. But every lawyer knows that illegality is one thing, and criminality another. Every lawyer knows that contracts are perpetually brought before the Courts, either to have their performance enforced, or to recover damages for a breach of them, with regard to which the Courts decide that fulfilment cannot be compelled, nor damages recovered, and yet no one would

The Solicitor General

say that the persons engaging in them were liable to an indictment. The law holds a variety of contracts to be void, such, for instance, as contracts for the price of obscene and immoral books or prints, contracts prejudicial to the public revenue, against the policy of the bankruptcy and insolvency laws, contracts affecting the course of public justice, and others; in all these cases there is an illegality in one sense, and such an illegality as to prevent the Courts of law enforcing the contract, but there is not in them what I will call criminality. If a person, who had received subscriptions for the purpose of an undertaking of this kind, were to turn round and say, "I shall not apply them to the purposes indicated. I shall give them, instead, to this, that, or the other Prince or potentate," and the subscribers were to bring their actions, the Courts might say that, though there was no criminality in the contract, it was so far tainted with illegality, so much against the policy and spirit of the law, that damages for a breach of it could not be enforced. When the matter is really understood, it will be found, I apprehend, that there is no great difference between the authorities cited by the hon. Gentleman and myself; and, with the limitation of the doctrine of conspiracy to which I have adverted, I adhere to the opinion which I gave the other night.

MR. WHITESIDE: If, Sir, the answer given to the House the other night by the hon. and learned Gentleman, has, by means of the electric telegraph, created some confusion abroad, I think I can undertake to say that the speech which he has just made, if transmitted in the same way, will not be productive of much alarm, as I rather think it will not be understood. In the words of the old couplet,—

> "He darkens by elucidation,
> And mystifies by explanation."

I am utterly at a loss to know what the hon. and learned Gentleman really thinks upon this matter, which is one of great importance to the peace of Europe, and to the estimation in which this country is to be held abroad. When he sat down I was more in the dark even than when he got up to understand what are his views upon this grave question of international law. The question is this:—An advertisement appeared in the papers referring to a committee of individuals who had joined themselves together for the purpose—whether laudable or not this is not the place to discuss—of collecting and conveying subscriptions to those persons who are now in insurrection against their Sovereign, the King of Naples in Sicily. That is a fact which it is beyond the hon. and learned Gentleman's powers of explanation to mystify. I understand that the learned Gentleman was asked, in reference to that advertisement, whether it was legal for a body of persons so to join themselves together in this country, and whether it was legal for persons to subscribe according to the requisition of that advertisement, for the purposes therein stated. I understand him to have stated that, in his opinion, it was. Forthwith his reply is flashed over Europe, and is quoted in the Sardinian Parliament. It has been taken up as an exposition of international law, that the more friendly you appear to be to a particular Sovereign, the more actively you may engage in compassing his destruction; and therefore, if to-morrow an advertisement were to appear from certain exiles in some journal, referring to a committee for regulating the affairs of France, and calling on persons to give in their subscriptions for the purpose of restoring the Orleans family, and dethroning the French Emperor, we should be told in the same way that such a proposition was legal. To do justice to the Solicitor General—not that I understand it—the distinction which he drew was this: If an individual pays his money, it may be misapplied; but, as it would be opposed to the principles of morality, to sanction a legal investigation as to whether the money was applied in disposing of the Sovereign for whose destruction, according to the terms of the advertisement, it was specifically to be applied, therefore, he says, an individual may lawfully subscribe. I doubt it. The hon. and learned Gentleman was not asked by what means such a person was to be prosecuted, nor as to the form of the indictment—that was not the technical question which was put; but whether a man could lawfully subscribe in aid of the object, which persons forming themselves into a public body, had undertaken to accomplish. I say they can not.

THE SOLICITOR GENERAL: The question is, whether they would be liable to any legal proceeding.

MR. WHITESIDE: It is true the question is put in that form; but the hon. and learned Gentleman is not asked to specify what exact proceedings should be taken; and it is impossible to escape from the difficulty by reference to the case of an individual,

because the very document shows that he is only one of a number. I cannot understand the distinction taken by the hon. Gentleman, when he puts the case of a person who is supposed to subscribe to a fund set on foot by a number, and at the same time to isolate himself from a conspiracy; or the case of a fund to which contributions are made by foreigners resident in this country. Nobody ever heard of a distinction drawn in such cases between foreigners residing here, and natives of this kingdom; all alike are subject to the laws of England. And if it be unlawful for a body of British subjects to form a committee to collect subscriptions, and to dethrone the Emperor of the French, it would be equally repugnant to international and positive law—by which I mean the common law of this country—for them to meet together and subscribe for the purpose of overthrowing any other Sovereign. The law of nations does not depend on the nature of any Government; it is immaterial to us whether the State be a Republic, or whether the Government be absolute or Parliamentary, as long as we are living at peace with it; and, for my part, I hope we shall live at peace with all Governments. States are bound to behave towards each other with scrupulous impartiality, and with the strictest good faith. And I know nothing more mischievous—though the occurrence was, I believe, accidental, and the hon. and learned Gentleman admits that his answer may have been misunderstood—than that any Member of the Government, even for the sake of a little temporary popularity, should have the appearance of connecting himself with such a prominent person as Garibaldi, and in the face of Europe to sanction proceedings, which international law disapproves. The hon. and learned Gentleman, when he refers to an opinion of Lord Lyndhurst, shows that he approves of it; and, I must say, that it is an opinion exactly applicable to the question before the House. The noble Lord there speaks of a committee formed for an illegal object; here are members of a public body presuming to assemble themselves together, and by means of advertisements inviting persons to subscribe, it being directly stipulated that the amount raised shall be sent to Garibaldi, to aid in overthrowing the Government of the King of the Two Sicilies. It has been spread all over Europe that, in the opinion of the Law Officers of the Crown, there is no illegality in such a proceeding. I venture, with all humility, to say that if such an opinion were inadvertently given, it is a mistake. No contributions to be collected through a body, of which, by his subscription, the person makes himself one—and therefore responsible for their acts—can be legal, or in accordance with constitutional law, when it is openly avowed that these contributions are sought for the purpose of overturning the Government of any Sovereign with whom we live on terms of amity and peace.

MR. EDWIN JAMES: Sir, I should not have said a word on this question if the hon. and learned Gentleman the Solicitor General had not cited as a precedent—or rather as an instance of the difficulty of convicting persons on a criminal charge of conspiring to commit offences against the laws of foreign countries—the case of Dr. Bernard. That case has nothing whatever to do with the matter we are now discussing. Dr. Bernard was not indicted for conspiracy at common law, but for an offence under a particular statute, and he was acquitted by a jury. Inasmuch as I was an advocate in that case, I shall refrain from stating any grounds of the acquittal but those which are publicly known. It was felt on that occasion that a statute had been perverted for the purpose of endeavouring, by the indictment of an individual, to relieve the Government from a political difficulty; and the jury were perfectly justified in the view which they took, because the Government were challenged to bring forward their legal arguments, and, those legal arguments being postponed, the defendant was acquitted on the facts of the case. Dr. Bernard was indicted, not for conspiracy at common law, as the hon. and learned Gentleman has told the House, but under a statute which every lawyer in Westminster Hall knew was framed and passed to meet an entirely different offence from that with which the prisoner was charged. And therefore, when the Solicitor General states the difficulty of convicting persons of conspiracy, his observation must be taken to apply to the evidence; and if this is a conspiracy—and I, as a lawyer, have no doubt that it is—the hon. and learned Gentleman, I think, will find grounds for reconsidering the hasty and immature opinion which he has given on this subject. What clearer evidence to insure conviction can you have of the overt acts of a conspiracy than the payment of money by one individual, and its receipt by another? If a committee advertise for subscriptions, they are surely sup-

posed to be human beings congregated for the purposes of that subscription; and if a person pays to them a certain sum towards the object for which they have advertised, and they receive it, I want any lawyer to get up in this House and say what stronger evidence of overt acts can be afforded. The hon. and learned Gentleman, therefore, when he stated that persons under such circumstances were not liable to legal proceedings, answered, I think, a little off his guard, and gave rather a rash opinion. I deem it of great importance that this matter should be thoroughly understood on the Continent; and I feel that we are indebted to the hon. and learned Gentleman the Member for the King's County for having brought it forward. The hon. and learned Gentleman the Solicitor General has truly said that this is not as an offence against the Foreign Enlistment Act. It certainly is not. It has no more to do with it than with the Habeas Corpus Act; but there is a question to which the Foreign Enlistment Act does apply, and I ask the hon. and learned Member for the Kings's County to bring that forward on another occasion. I allude to circumstances to which the Foreign Enlistment Act expressly applies, to the case of parties who are now committing offences under that Act by carrying on the enlistment in Ireland of persons who are to be sent over to Rome, and there to join the army of General Lamoriciere. When the hon. and learned Member talks of the slaughter of priests, I think we may say with equal force that the transmission of recruits to swell the foreign army which is to take part in the massacre of the Pope's subjects, comes equally within the provisions of the Foreign Enlistment Act.

THE ATTORNEY GENERAL: There should be no misunderstanding with regard to the principles by which every Government and every nation ought to be guided on subjects such as that now under consideration, and those principles I freely agree to be these:—You have no right whatever to interfere in the domestic affairs of another nation. That, unquestionably, is the rule of the common law, and the foundation of all legislation on the subject. If you wanted to exemplify this in your own history, the lecture which you read to the French king on the occasion of the revolt of your North American colonies would supply you with abundance both of principles and of reasoning. I quite agree, therefore, that, according to the common law of England, any subjects of the Queen who, either directly or indirectly, may supply money in aid of the revolt of subjects of any nation or Power with whom we are in alliance, commit an offence at common law. But, as I before had occasion to state, there is a very great difference and a long interval between the enunciation of that principle and the manner in which it is to be carried into execution. In proceedings of a criminal nature, or which are otherwise founded on any rule of common law, your only guide can be precedent and authority; and those hon. Members who speak most confidently on this branch of law would, I think, be quite unable to point out any case or decision in the books in which there has been any instance of a successful application of the general principle, in the shape of an indictment for this particular offence. That, however, is not exactly the point to which the attention of the House can be advantageously directed, although it was the precise point to which the remarks of my hon. and learned Friend the Solicitor General were directed by the very narrow and limited question which was put to him. When the right hon. Gentleman (Mr. Whiteside) indulged himself in that ridicule in which he is so successful, both of the answer which was given, and of the explanation which has been afforded, I could heartily wish that the accuracy of the right hon. and learned Gentleman and his knowledge of the subject had been equal to his powers of speech. I certainly should advise him never again to indulge himself in his usual vein of ridicule until he has thoroughly ascertained the facts of the case on which he is speaking. Now, the question put to my hon. and learned Friend was simply this—Had the persons subscribing to this fund rendered themselves liable to legal proceedings? Could any one imagine that by "legal proceedings" it was meant could a civil action be brought against them? Could the legal proceedings mean anything but a criminal prosecution? The hon. and learned Member for Marylebone says the Members of the Committee are conspirators; and that any persons subscribing to the funds might be included in an accusation of conspiracy. I should have been glad if the hon. and learned Gentleman had condescended to mention some instances that would have justified this conclusion. I was very anxious to find one when the Conspiracy Bill was under consideration, but I did not succeed, although I found enunciations of the

general principle in abundance. I cannot therefore think that my hon. and learned Friend spoke unadvisedly or rashly when he said there was no ground on which an indictment could be laid against persons contributing to these funds. At the same time, I should have been very glad if my hon. and learned Friend had accompanied his remarks with the general statement—as he would no doubt have done if his attention had been directed to it—that all these things are contrary to the policy of the law, the object of which is, above all, that the peace of the Crown should be preserved. The law, therefore, prohibits anything that may endanger the peace between the Sovereign of England and the Sovereign of another State. That great principle of the law must be accepted by every person; and the common law of England, although it may have provided no particular remedy, yet in conformity with general good faith and expediency, lays down in the strongest manner the principle that all subjects of the realm are bound to abstain from every interference that tends to excite the subjects of another country against its lawful authorities. What those authorities may be is not the question. It matters not that they may be cruel, or tyrannical; that is not the question. If the sovereign be in amity with this country, it would be wrong and illegal for any persons here to interfere with the affairs of his kingdom. An hon. Gentleman has said that the committee formed for the collection of those subscriptions is open to an indictment for conspiracy. I must, however, observe, that according to the papers, almost the whole of that committee is constituted of foreigners. Now, I do not mean to say that the principle of the law does not extend its prohibition to all persons who are permanently resident within this kingdom, and who owe allegiance to, as they receive protection from, the Crown; but I do not believe that that principle has ever been established upon authority, and I therefore warn the House against receiving with confidence the statement that there has been (as the right hon. and learned Gentleman opposite seemed to say) a positive enunciation of the law to that extent. I confine myself solely to the question of the common law, which lays down the principle I have stated in the strongest possible form, and it is therefore the duty of the Government to take care that that law is not violated by any of the subjects of the realm.

The Attorney General

Sir HUGH CAIRNS: I think if the answer of the Solicitor General had been at the time accompanied by all the explanations, the comments, and, I may add, the solemn lecture just delivered by the Attorney General, that answer would have done very little harm; and, probably, there would have been no necessity to trouble the House again with a discussion on the subject. I entirely concur with one part of the speech of the hon. and learned Solicitor General that the importance of the question cannot be overrated. But there are two grounds which render accuracy in dealing with this question especially necessary. The first is the effect of inaccuracy on our relations with foreign Powers, which cannot fail to be seriously disturbed if a rash and inaccurate answer is spread abroad as having been given by the Government in this House. The other reason that renders accuracy of great consequence is this,—the law officers of the Crown know perfectly well that their answer will be read by foreigners in this country; and persons who are amenable to the law of the Queen, are likely to regulate their conduct by this statement of that law as given officially in this House. It would be much to be lamented, if, after an opinion had been given on the part of the Crown in the House of Commons, criminal proceedings should be taken against any persons for misdemeanour, and the persons indicted should be able to say they trusted to the opinion given by the legal advisers of the Crown as the true exposition of the law; and that when they acted in the manner complained of they thought they had competent authority for what they did. I think with the hon. and learned Member for Marylebone that the hon. Member for King's County (Mr. Hennessy) has done good service in bringing this subject forward. It has been reduced to the smallest possible compass by the definition of the law given by the Solicitor General. He admits the principle laid down by Lord Lyndhurst,—that if a course of united action is taken to effect an illegal purpose, by any number of persons, that amounts to a conspiracy, and all who take part in that action are liable to be indicted for the conspiracy. The question, then, is this:—Does a subscription to funds raised with the object of subverting the government of another State render the particular individual subscribing liable to indictment for conspiracy? The Attorney General wants an authority for such an indictment. I

think the point is clear; I think an illustration may be given, of which the House will see the force, and which does not require much legal acumen to appreciate. Suppose subscriptions were advertised for in London with the object of raising a riot in Yorkshire, would any person say that a person subscribing to that fund, for the promotion of that purpose would not be guilty of conspiring to effect it? I cannot conceive what act of conspiracy can be more overt or more definite than handing money to a common fund when it is known that the fund is to be applied in a particular way. But the Attorney General says there is a further difficulty that must be attended to. He says, "True, the funds are advertised for in this country, but the persons advertising, though residing here, are foreigners." It is the first time I ever heard, when it is a question of the application of the common law, that foreigners residing within the Queen's dominions, do not owe perfect and complete allegiance to the Crown, and are not liable to punishment for every offence for which penalties are inflicted by that law. Certainly questions might arise, under particular statutes, whether the words are large enough to include foreigners, or whether they are limited to British subjects. That must depend on the words of the particular enactments. But to say that the common law does not extend to every man, woman, and child within the jurisdiction of the Queen is a proposition that I never expected to hear from an Attorney General of England. [The ATTORNEY GENERAL: I did not say that.] I am glad that the simple application of the argument has drawn a negative from the hon. and learned Gentleman. That application, however, I submit is fatal to the distinction which he attempted to draw. It is quite patent that whether the parties are foreigners resident in this country, or natural-born British subjects they are equally liable to an indictment for a conspiracy for contributing to such a fund as that described in the advertisement alluded to.

MR. BOVILL: The importance of this question cannot be overrated. By the interpretation of the law on this subject, the interests of England and Europe may be affected. If what is being done in the present instance is legal, might also be done in the case a neighbouring country, where the interests of England would be more nearly concerned. If this subscription is illegal by the law of nations, being made openly without any attempt to repress it, the King of Naples might immediately, and without a declaration of war, seize the property of all British subjects in his dominions. I assent to the proposition of the Attorney General, that this subscription is illegal; the Government has not prevented the subscription; and at this moment we might be treated as virtually at war with Naples. I do not say this without authority; I have high authority for the statement—one respected throughout Europe. There are passages in Vattel, which will distinctly show the peril to which we are at this moment exposed in consequence of the Government not having disapproved and endeavoured to stop the subscription. The law of nations is part of the common law of this country. And it is the recognized law of Europe that whatever tends to the destruction of peace, is a violation of the law of nations. How, let me ask, would the case stand between two countries which happened to be at war, and a third which desired to be neutral? Why, it is evident that that third State must exercise an absolute neutrality in order to effect her object, and must not assist either party with subscriptions; and if that be so, how much stronger is the case when the subjects of a nation revolt against the constituted authorities? It is, I may add, illegal, even if no Foreign Enlistment Act were in existence, to allow the recruiting of soldiers here in favour of one country against another with which we happen to be on terms of amity, or in favour of subjects who have revolted against their own established Government. Vattel lays down the doctrine that it is a violation of the law of nations to invite subjects to revolt against their lawful Sovereign, although they may have substantial grounds to complain of his rule. That opinion distinctly applies to the present case, and is borne out by Chancellor Kent and other eminent authorities. The Court of Common Pleas, moreover, decided that it was illegal to subscribe or enter into contracts for the purpose of affording assistance to subjects who rebelled against their Sovereign; and it matters not, let me remind the House, whether that assistance be rendered by means of troops, or vessels, or money. Let me suppose, that we had, in the present instance, to deal, not with a movement against the King of Naples, but with reference to the Emperor of the French, and that we were to invite subscriptions against him in support of his subjects who

had revolted against his authority. What course would it, under those circumstances, be open to him to take? Why, he would have a perfect right to call us to account for the course which we allowed to be pursued, and to enter into hostilities against us without even making a declaration of war. Assistance rendered by France to America led to a war between England and the former country, just as our proceedings now may lead to a war with Naples. We are, indeed, told by the Attorney General that the principle of those proceedings is opposed to the policy of the common law; but the hon. and learned Gentleman, I think, somewhat astonished the House by intimating that there was no legal remedy against those who took part in them. It is contended that you must in those instances proceed as for a conspiracy; but I should like to know what evidence of conspiracy there is in the case of an individual who libels a foreign Sovereign, for being guilty of doing that for which Peltier was tried and convicted, on the ground that the act tended to embroil the subjects of the King of Great Britain with a foreign State. It is then, I maintain, an offence of the most serious description for any individual—even though he may do it without concert with others—openly to invite subscriptions—it matters not whether they be or be not collected—for the purpose of aiding the revolt of the subjects of a foreign country against their Sovereign. Such a proceeding is a direct violation of international law, and ought to be held liable to punishment. ["Oh, oh!"] Hon. Gentlemen may dissent from that view; it may not be thought necessary to enforce the law; but it is, I submit to the House, a most important question whether we have, or have not, done acts which place us in a condition leading to actual war with the King of Naples. I may also remark that if it goes forth that the acts of which we are speaking are illegal, but that the law of England cannot touch the offenders, the consequence may not improbably be that we shall have persons coming over to this country from abroad and openly soliciting subscriptions for this purpose. I maintain, therefore, that the subject is one of considerable importance, and that the commission of acts by which the peace of the Queen and her subjects is likely to be disturbed, and by which this country may be involved in war, is in itself a serious misdemeanour.

Mr. Bovill

ARMY (PENSIONS FOR WOUNDS).

HER MAJESTY'S REPLY TO ADDRESS.

LORD PROBY (Comptroller of the Household) appeared at the Bar of the House, with a reply from Her Majesty to an Address from the House, on the subject of Pensions for Wounds:—

I have received your Address, praying that I will reconsider the Warrant granting Pensions and Allowances to Officers of the Land Forces, limited to Wounds and Injuries received in Action.

And you may be assured that the subject shall receive due consideration.

THE REFORMATORY SYSTEM IN IRELAND.—QUESTION.

LORD CLAUD HAMILTON said, he rose to ask the Chief Secretary for Ireland if his attention has been called to the case of William Hawthorne, who was recently confined in the St. Kevin's Reformatory; and whether any inquiry has been made as to the authors of certain Letters, written from that establishment, which were represented to have been written by William Hawthorne. He was happy to be able to say that in asking this question and making a few remarks on the subject to which it referred, he had no intention in any way to arraign the conduct of any Member of Her Majesty's Government. On the contrary, the right hon. Gentleman (Mr. Cardwell) had, as he was informed, acted in the matter with great firmness, propriety, and efficiency. The circumstances of the case, however, had excited a good deal of interest in some parts of Ireland, and his object was to elicit a statement of the facts as they had actually occurred. It was well known that the formation of reformatories in Ireland had been viewed with great jealousy and distrust; and, after a good deal of discussion and consideration, separate reformatories were established for the youths of the several religious persuasions. This being the state of things as regarded the institutions themselves, a Protestant lad, residing at Belfast, having got into bad company, was arrested on the charge of theft, of which offence he was convicted before the resident magistrate. He was sentenced to a month's imprisonment in the county gaol, and five years' detention in a reformatory. The moment the lad heard the sentence he announced that he

was a Roman Catholic. His companions in guilt were of that persuasion, and his motive in making that statement no doubt was to induce the magistrate to send him to the same reformatory with them. His parents, who were Protestants, informed the Court he was no such thing, having been born, baptized, and brought up as a Protestant. The magistrate decided, however, on taking the boy's statement, and sending him to a Roman Catholic reformatory. The mother of the lad was in a state of extreme grief at the thought that her son was about to be incarcerated for five years in a Roman Catholic establishment, She immediately proceeded to the place where he had been baptized, and got a legal certificate of his baptism as a Protestant. However, the magistrate—for what reason he (Lord C. Hamilton) could not say—had taken the evidence of the lad himself, and in due time he was sent to a Roman Catholic reformatory in the county of Wicklow. The case created great excitement in Belfast, and it was right to mention that Mr. Lavery, the sanitary inspector of the Belfast Town Council, a very respectable gentleman, himself a Roman Catholic, had got up a memorial, praying that the sentence, so far as it directed the detention in the Roman Catholic reformatory, might not be carried out. To that memorial a large number of signatures were attached; nevertheless the magistrate adhered to his decision, and notice was sent to the Roman Catholic reformatory that the boy was to be sent there. He (Lord C. Hamilton) was happy to be able to say that another Roman Catholic of great respectability interfered at this stage of the proceedings. Mr. Murray, the hon. Secretary of the Wicklow Roman Catholic Reformatory, at once protested against the proceeding. He wrote a letter, in which he stated that he considered the sending of the boy to the Roman Catholic reformatory was a breach of the Irish Reformatory Act; and he wished to enter his protest against it. He received no reply to his letter, and, two or three days after, on going through the establishment, he was greatly surprised and much vexed at seeing the lad there. In spite of the efforts made by Roman Catholic gentlemen —in spite of the appeal of the boys' parents—in spite of the memorial stating that the father and mother of the boy were Protestants, and that he had been brought up a Protestant—and in spite of the production of the baptismal certificate—he was sent to the Wicklow Roman Catholic Reformatory. The first portion of his (Lord C. Hamilton's) question, therefore, was, whether any inquiry had been made into the circumstances of this extraordinary deviation from the Irish Reformatory Act. The second portion of it related to what had taken place after the lad arrived there, and which he thought the House would say was of a most extraordinary character. The lad was not a very good scholar, he was barely able to scrawl, and was not capable of expressing himself in any but very common language. The House might judge of the astonishment of his parents when, on the third day of his residence in the reformatory, they received from him a letter commencing thus :—

"My dear Mother,—"I seize the earliest opportunity of addressing a few lines to you in order to inform you of my whereabouts, and of the kind of place I am in, and the privileges and many advantages which are held out to boys who are well-disposed to be good."

He then went on to describe the place and said—

"Now to begin, we have 100 boys, exclusive of all the staff and officers. We have a capital school, a beautiful chapel, and hear mass every day; also a fine band for our amusement, and recreation."

The letter proceeded :—

"Everything that can possibly be done both for our temporal and spiritual welfare and well-being in after life is most strictly attended to. This is nothing short of home for us; we have everything granted to us which may be necessary, and plenty of open air exercise and recreation."

He (Lord C. Hamilton) asked the attention of the House to what followed :—

"I have heard of what you have been doing [this referred to the efforts of his parents to get him out, which could have been communicated to him only by some functionary within the establishment], but I can only say, in the midst of my grief, that the day I leave here will go nigh breaking my heart, for I should be sent to a Protestant reformatory in Dublin, which is totally against my wish and inclination."

Every one must admit that the boy had made great progress in three days. The mother, who knew the state of her son's scholastic acquirements when he left his home, must have thought that if the letter had been written by her son, St. Kevin's Reformatory must be an establishment in which miracles were performed. In a few days after the father got a letter, in which the boy said—

"When I last wrote to you I was positively assured that a representation had been made to the Lord Lieutenant, to the effect that you had objected to my being sent to a Catholic reformatory, and

that, consequently, I was to be transferred to the Protestant reformatory in Dublin. Now, my dear Father, you know that I am not a Protestant; and if I were sent to an institution where I could not practise the duties of my own religion I should be broken-hearted. As for my being sent home to you, there is not the slightest chance of such a thing, for the Lord Lieutenant would never do it. Now, my dear Father, if you wish to do me good, as I know you do, write a few lines to Mr. Tracy, the magistrate, and tell him that you are quite willing (if I must be in a reformatory) to have me left where I am."

There was more to a similar effect, and then came a repetition of the observation—

"But if I am taken away, and sent to a Protestant Reformatory, I shall be broken-hearted."

Owing to the prompt intervention of the right hon. Gentleman the Chief Secretary for Ireland, the lad was very properly sent home to his parents. On his arrival, he expressed the greatest satisfaction at returning home, and assured his parents he had never written any letter home, requesting to be allowed to remain at the reformatory; all he knew was that one of the gentlemen connected with the Reformatory read something to him which he did not understand; but he neither wrote himself, nor did he express any of the wishes which those letters contained. This alone showed that something was going on within the walls of that reformatory which called for the most searching inquiry. He knew nothing of the author of these documents; but, on authority which he believed to be correct, the schoolmaster of the reformatory was supposed to be the writer of them. When an establishment for the reformation of young criminals was maintained at the public expense, what was to be thought of the tuition given in it when it was in the hands of a schoolmaster who could deliberately forge the letters purporting to come from that boy, for the double object of deceiving his parents as to his wishes, and also of carrying on a system of proselytism. He hoped the Attorney General for Ireland would, therefore, state whether an inquiry had been instituted into how it happened that the magistrate, in violation of the statute, came to send a lad, being a Protestant, to a Roman Catholic reformatory. Also, whether any investigation had taken place into the authorship of the letters, a portion of which he had just read, with the view of making the writer responsible for his conduct. The case had created great disgust in Ireland, and, unless effective steps were taken to check such practices, the suspicions which existed when reformatories were originally established would be greatly strengthened and increased.

MR. DEASY said, he should be sorry if anything that occurred in that case or in any discussion in that House should have the effect of prejudicing the mind of the House either against the reformatory system generally, or against the particular reformatory alluded to by the noble Lord. That reformatory had been productive of very beneficial effects upon the criminal population of Ireland; but, no doubt, it was the duty both of the Government and the House to see that in institutions maintained, not indeed at the public expense, but to which the public contributed, every safeguard was provided against abuse. William Hawthorne was convicted of larceny before Mr. Tracy, the resident magistrate at Belfast, and sentenced to one month's imprisonment and five years' seclusion in a reformatory. When before the magistrate the boy stated that he was a Roman Catholic, and that gentleman, who was a very efficient magistrate and a Protestant, took this view of the case—that he was to be guided in the selection of a reformatory by the religion of the criminal himself. That was a mistake in point of law, and that was the only thing that could be said of it. As soon as Mr. Tracy found that his view of the law was questioned he called the attention of the Government to the matter; a case was submitted to the law officers, and directions were issued for the instruction of magistrates in similar cases. Mr. Murray, the hon. Secretary of St. Kevin's Reformatory, also wrote, stating his opinion that the committal was erroneous, and that the boy ought to be removed, which fact showed that there was no wish on the part of those having the management of the institution to detain him contrary to the provisions of the statutes. The case was submitted to the late Attorney General for Ireland (Mr. Justice FitzGerald) and himself, and they were of opinion that Mr. Tracy's view of the law was mistaken, but that the period allowed by the Act for transferring the boy to a Protestant reformatory having expired, the only order that could legally be made was one for his discharge, and he had been discharged accordingly early in the month of February. With regard to the letters just quoted by the noble Lord, the Chief Inspector of Reformatories (Captain Crofton), under the Lord Lieutenant of Ireland, lost no time in communicating with the manager actu-

ally in charge of this institution, and ascertained that the letters in question were written at the dictation of the boy by the schoolmaster. The manager expressed his regret that any such thing should have occurred, and undertook that there should be no recurrence of anything of the kind. Captain Crofton had no doubt that the statements of the boy as set out in the letters were highly coloured and exaggerated. The House would perhaps think that there was a sufficient guarantee for the general management of this and similar institutions in the fact that Captain Crofton, who issued the certificates to the reformatories, had the power of recommending that they should be withdrawn, should it appear to him that they were not properly conducted, and the Government would at once act on his recommendation.

ITALY.

INSURRECTION IN SICILY.—SUBSCRIPTIONS FOR GARIBALDI.

OBSERVATIONS.

MR. G. W. HOPE trusted that the House would receive a fuller explanation of the state of the law than had yet been given by the learned Attorney General on the subject of the subscription for the insurrectionists in Sicily. It was fully established that we had no legal power to turn aliens out of this country. We were, therefore, according to the Attorney General, in this extraordinary position—that while we could not expel foreigners, we were at the same time unable to enforce our laws upon them. This was a matter that concerned other countries as well as our own, and the House had been given to understand that our law could not be enforced equally on foreigners living in England, and on our own fellow-subjects. That was too important a point to be left as it stood, upon the mere casual explanation of an authority like the Attorney General, and he hoped, therefore, that that learned Gentleman would distinctly state whether he meant to propound such a doctrine to the House.

THE ATTORNEY GENERAL: What I stated was simply this, that the rule of the common law is applicable to the subjects of England; but it has never been decided that mere foreigners resident in the country would come within the meaning of the words "subjects of the Queen." The better opinion undoubtedly is that any conduct which in the subjects of the Queen would be entitled conspiracy would in the case of foreigners receive the same designation; but it is difficult to say how far the rule is to be carried, for let me put this case—Suppose that a natural born English subject sent £100,000 to Garibaldi, undoubtedly I should consider that act a misdemeanour indictable at common law; but suppose a Sicilian refugee sent the same sum, I should have no confidence in giving an opinion that that also would be a misdemeanour at common law. In the absence of decisions the subject does not admit of a more decided opinion.

MR. MONSELL said, that before the House left this subject from which their attention had been already divided by two little episodes, he wished to call upon Her Majesty's Government to state what were their intentions with regard to this most important matter. The law had been distinctly laid down by the Attorney General, and there was no doubt that what was now being done in this country, not only by foreigners but also by subjects of the Queen, was in direct contravention of the law of nations and contrary to the law of this country. If these subscriptions had reference to the invasion of the territories of a more powerful Sovereign than the King of Naples, could there be any doubt as to the course which Her Majesty's Government would feel themselves bound or rather forced to pursue? He would suppose the case of the Ionian Islands. He had, it was true, never met a Sicilian who was not opposed to the Neapolitan Government, but neither had he ever met an Ionian who was not equally opposed to British rule. Suppose, then, that in France or Russia subscriptions were got up and announced in the public papers for the purpose of freeing the people of the Ionian Islands from the yoke of Great Britain, should we for one moment tolerate such a proceeding? Was it not right and proper, then, that we should do to others what we should wish them to do to us, and should deal with small and insignificant States in the same manner that we should be compelled to deal with great and powerful ones? He, therefore, wished to know whether Her Majesty's Government were prepared to take up this matter, to ascertain whether a prosecution could be instituted, and, if it could, to undertake it at once; because the very announcement of their determination to pursue such a course would have a moral force and a moral weight in this country, and would throughout Europe destroy the lamentable and unfortunate effect which the

doubtful opinion given by the hon. and learned Gentleman the Solicitor General had already produced. Before resuming his seat he could not help alluding to an observation which had, as he conceived, been improperly made by the hon. and learned Gentleman the Member for Marylebone (Mr. James). The hon. and learned Gentleman whilst anxious to attack the Solicitor General had endeavoured to cover the unpopularity which he felt would attach to the course he was taking by the never failing expedient of making an attack upon the Pope. Now, he asked hon. Members, whatever might be their prejudices or their feelings, was that a justifiable course to pursue? What were the words that he used? He said that the army under General Lamoriciere was to be used by the Pope to massacre his subjects. What right had the hon. and learned Gentleman to speak in such a manner of General Lamoriciere, a man who was known throughout Europe and throughout the world as one of the most gallant and distinguished soldiers on the face of the earth; a man whose whole career had been one of the most noble and most brilliant that any military man ever pursued, and who had gained the esteem, admiration, and affection of all those who had served under him; what right had the hon. and learned Gentleman to presume to speak of such a man in such language? There might be differences of opinion as to the Government of the Pope, there might be persons who complained of this thing or of the other, but no man, not even his greatest enemy, accused him of inhumanity or cruelty. Why, he commenced his reign with the proclamation of a general amnesty, and through its whole course his every act had been marked by the greatest benevolence. He was now forced to collect troops; and for what purpose? Had they read one of the proclamations of General Garibaldi, in which he summoned the Italian people to unite and deliver Umbria and other parts of the Papal territories from the dominion of the Pope? When the Pope found that there was an union of powerful forces against his small State, what could he do but gather together troops to resist them? That was his object, not to massacre his subjects, nor to ill-treat those whom he had always endeavoured to benefit, but to resist those foreign Fillibusters who were coming thus ostentatiously to raise a rebellion in his States. That he believed to be the real fact, and the words which had been used by the hon. and learned Gentleman with regard either to his Holiness or to General Lamoriciere were words which ought not to have been used by any Member of that House. The hon. and learned Member for Marylebone had also erroneously stated that the Foreign Enlistment Act was passed for the purpose of meeting such a case as that of certain Irishmen enlisting in the army of the Pope. Everybody knew that during the 17th century English subjects were in the habit of serving Foreign States. In the reign of George II., on account of the Jacobite conspiracy against the English Crown, it was found necessary to pass an Act for the purpose of preventing foreign enlistment; and in 1814, at the time of the peace, there was a Treaty made between England and Spain, one of the sections of which contained an engagement on the part of this country not to assist in any way the revolted provinces of Spain. In 1819 it was found that under the law of George II. English subjects, although not able to enlist in the Spanish army, might lawfully take service on the side of the revolted provinces. Mr. Canning considered that that was a breach of the Treaty of 1814, and an Act was passed for the simple purpose of making the prohibitory law include, not only enlistment in the army of any Foreign Prince, but enlistment in the service of anybody claiming to have any authority in a Foreign country. Undoubtedly English subjects had always been in the habit of taking service with Foreign States, and that, too, without any fault being found with them. When the present Chancellor of the Duchy of Lancaster was in the Home Office, he (Mr. Monsell) had made an application to him on the part of an English officer in the Austrian army, who wished to be allowed to get rid of his English naturalization. That application was refused, as being contrary to the law of this country; but the Home Secretary never dreamt of finding fault with the British officer for having enlisted in the Austrian army. Any attempt to prevent Irishmen from enlisting in the army of the Pope would be contrary to our usual policy, and especially contrary to the traditions of the Liberal party, who had always been opposed to the Foreign Enlistment Act. Hitherto it had not been the practice to prevent enlistment in the army of a friendly Power. His principal object in rising had been to protest against the unjust and ungracious attack which had been made by the hon. and learned Member

for Marylebone upon the Pope and upon General Lamoriciere.

MR. MALINS said, that the House owed a deep debt of gratitude to the hon. Member for King's County (Mr. Hennessy) for bringing this matter under their consideration, in order that any doubt which arose from the ambiguous expressions of the Solicitor General, in the incautious answer which he gave the other night to a question put to him on this subject might be explained. Perhaps that hon. and learned Gentleman would have done better had he candidly admitted his mistake than by the elaborate attempt he had made to prove that right which every lawyer present knew to be wrong. Had he frankly admitted his error, the House would have granted that indulgence which it never refused to any of its Members. Nothing could be more dangerous or erroneous than the doctrine which had been laid down by the hon. and learned Gentleman. The proposition submitted to him was, whether it was contrary to the law of England for a combination of foreigners to be established in this country to raise subscriptions for the purpose of making war against a friendly power. The hon. and learned Gentleman alleged that he had been asked whether any proceeding could be taken, but the real meaning of the question was whether such a proceeding would be lawful, and the Attorney General had given the weight of his great authority in entirely repudiating the doctrine laid down by his hon. and learned Colleague. He (Mr. Malins) was, however, bound to say that the anxiety of his hon. and learned Friend to screen his colleague had induced him to express himself with considerable ambiguity, and it was because the subject was still left in doubt that he wished to state what was the understanding on that, the Opposition side of the House, as to the state of the law. He made no complaint of the terms in which the Attorney General had laid down the law. He quite concurred in his definition, namely—that where any body of men combined—combined or conspired — for the purpose of raising money to make war, or to take hostile proceedings against a friendly power, it was contrary to the common law of England; but he deeply regretted when his hon. and learned Friend went on to raise a doubt whether that general principle was applicable to foreigners resident in this realm. Now, if the hon. and learned Gentleman really entertained any doubt upon that point, it was his duty to remove it without the loss of a single day, for surely nothing could be more just than that foreigners resident in this country, and enjoying the protection of our laws, should be bound to comply with them in all respects. On Saturday morning last, in taking up the morning paper, his eye was arrested by an Italian advertisement from a foreign body of gentlemen resident in England inviting subscriptions to be sent to a gentleman to whom they were all in the habit of listening in another capacity—one of the most eminent vocalists we had, Signor Mario. Signor Mario was the treasurer, to whom the subscriptions for the purpose of making war on Sicily were to be sent. It was not a question whether or not the Neapolitan Government was a government to be admired. There were many governments which we did not approve. But that which would be applicable to Russia, or France, or Prussia was equally applicable to the kingdom of Naples. Naples was not a great Power, but he should regret to hear it proposed in that House that they were to adopt one principle in relation to the great and powerful nations, and another to a nation that was not great and powerful. They must act on general principles, and he was sure that no Member of Her Majesty's Government would encourage the idea that one principle was to be adopted towards the Government of Naples and another principle towards France, or any other great Power of Europe. If the Government were to see an advertisement in the papers asking for subscriptions for an association formed for the purpose of raising subscriptions to put down the Government of the Emperor of the French how long would that be permitted to go on? The Attorney General had said that if the thing had been done by Englishmen there was no doubt as to what the law would be. If the hon. and learned Gentleman entertained any doubt as to what the law was with regard to foreigners, clearly it was his duty not to permit that doubt to remain another day. His (Mr. Malins') own opinion was that the common law of England, so accurately defined by the Attorney General, was equally applicable to natives and foreigners; but if the Attorney General thought the law of England on this point was at all dubious, it was his duty at once to take steps for the purpose of removing the anomaly. He wished to know what the Government intended to do. This was a most important debate, and

ought to end with a substantial result. Was it the intention of the Government to let such advertisements as the one under discussion be issued every day without interference; If they interfered they ought to do so without hesitation and without ambiguity; no doubt ought to be permitted to hang over their decision, and the law of the country ought to be plainly and distinctly stated. If it was an offence at common law it was indictable, and the Government could readily bring it to a test by preferring an indictment against those who issued the advertisements, unless they were discontinued. The Government would thus give an evidence of good faith towards other countries, and would show a repudiation of any intention to connive at any conspiracy to upset the Government of any other country. So also with regard to the Pope's Government, they were bound to observe the same strict neutrality. It was a question between the Pope and his subjects, whether the Romagna should remain with him or be handed over to the King of Sardinia. So far as they could collect the intentions of his Holiness, he desired now to make war with those who had been his own subjects and with Sardinia, and to raise troops in all parts of the world for the purpose of restoring the Romagna to his dominions. Adhering, therefore, to principles of strict neutrality they ought not to acquiesce in the Pope enlisting troops in Ireland, and he thought the hon. and learned Member for Marylebone had done quite right in calling the attention of the House to the subject.

MR. NEWDEGATE said, that having had some experience in the understood, but unacknowledged arrangements of the House, he was sure the Speaker would excuse him when he said that no communication from the right hon. Gentleman the Member for Buckinghamshire, or from any one else by his authority, made to the Speaker with reference to himself (Mr. Newdegate), had his sanction. He mentioned this as an independent Member of the House, and as such he wished to call the attention of Her Majesty's subjects to the circumstance.

MR. SPEAKER: I have received no communication from the right hon. Gentleman the Member for Buckinghamshire, nor from any individual in this House, with regard to the hon. Member.

MR. NEWDEGATE said, he was exceedingly obliged to the Speaker for this announcement. He was only adverting to a matter of practice, and although others might submit to a party arrangement of the kind to which he had referred, he simply asked to be permitted to exercise the privilege of an independent Member. With regard to the question before the House, the hon. and learned Member for Marylebone (Mr. James) had very properly adverted to the enlistment that had taken place in Ireland for the service of the Pope; that subject had a direct bearing upon the question before the House. If blame attached to any person taking part in the one movement, for affording support to one party carrying on war abroad, it ought equally to attach to those supporting the other. He trusted therefore that if Her Majesty's Government acted on the suggestion to issue a proclamation prohibiting assistance being given to General Garibaldi, on whose undertaking he gave no opinion, they would proceed impartially in the matter, and not ignore any longer the movement in Ireland, promoted by persons holding authority in the Roman Catholic Church, for the enlistment of Her Majesty's subjects to serve the Pope. The Government could not forget the prompt manner in which the attempt made on the part of the English Government during the Crimean war to enlist American subjects was resisted in America, and he hoped they would not permit the agents of any Foreign Power to enlist within Her Majesty's dominions forces intended for the service of a Foreign Power making war for temporal purposes, although the head of that State was invested with spiritual authority. Not only were men being enlisted for the service of the Pope, but the days of Peter's Pence were revived — contributions were being exacted from Her Majesty's subjects under the name of a tax formally abolished by the Legislature of this country. This was no trifling matter. It was all very well for Members of the House to express indignation at what might be a rash undertaking by Garibaldi. That was a sudden movement, while the other was a protracted and organized system, and was, therefore, deserving of more attention. He had risen for the purpose of putting two questions upon this subject to Her Majesty's Government. The first was, whether it was consistent with the law of this country and with international law, that any man should levy money and men, or arms, for the service of a Foreign State within the United Kingdom, without the consent previously asked and obtained of Her Majesty's Go-

vernment? The second was, whether Englishmen enlisting in a foreign service without such consent, did not, from the hour they entered that service and left this country, lose all claim to the rights of British subjects, and whether the consent of Her Majesty's Government not having been given to their enlistment they did not stand in the position of pirates, and were not therefore at the mercy of any foe to whom they might be opposed, if captured? The Garibaldi affair was a matter of trifling importance in comparison to the Romish enlistment, to which his remarks had been directed. That was a question of serious importance.

MR. BERNAL OSBORNE: — Sir, I am not about to enter into the question of enlistment in Ireland. That is not properly the question before the House. The original question was one calling attention to the reply given by the hon. and learned Gentleman the Solicitor General respecting Garibaldi's expedition, and that to my mind appears the more serious matter. The House must feel that it has arisen from the very elaborate answer given the other evening by the Solicitor General, who has been universally thrown over by every lawyer in the House, and even by his own colleague the Attorney General. I must say, I heard that answer with great surprise, for it is no slight thing for the Solicitor General, by implication, to leave people out of doors to imagine that the subscription which has been so extensively advertised is a legal one. In one point, at any rate, this discussion has been useful— we have now ascertained from every lawyer that the subscription in aid of the Garibaldi expedition is strictly an illegal one. Whether it would be advisable on the part of the Government to prosecute, and whether they would get a conviction, is another question; but it is no doubt the place of the Government to give expression to their opinion on the subject in this House. If they are for the doctrines of non-intervention, of which I am a humble disciple, they ought to state that this is an illegal combination for assisting people in opposition to a Sovereign with whom we are on friendly terms. If we once give way to this sort of thing, on what ground can we complain of the conduct of America? Have I not heard hon. Gentlemen here using the strongest language with reference to General Walker? What was said about the attempt by American Filibusters some time ago to take the Havannah? Those are parallel instances, and if we are on every occasion to express our sympathies by subscriptions in opposition to Sovereigns with whom we are in amity, you may say what you like about the common law of England, but I am sure it is against all the principles of international law. These may not be popular sentiments, but I think they are such as ought properly to be entertained by an independent Member, who has no sympathy with Naples and much liking for the Sicilian cause, but who thinks, whatever his sympathies may be, that it is not right to truckle to mere out-of-doors feeling, and that he ought to lay down the position which he wishes this country to assume upon all occasions. Now, I wish on this subject to put a question to the noble Lord the Foreign Secretary. I have read in the newspapers with considerable surprise that the landing of Garibaldi's force at Marsala was greatly assisted by two English vessels. Whether that be true or not, I know the report is very prevalent on the Continent, because I have received communications from abroad stating that the fact clearly shows this country to be in favour of the expedition. On the Treasury bench this question has been narrowed down to the mere consideration of its legal bearing; but I think it is important that it should rest on some broader grounds. I think we ought to have a Minister of greater authority than the Law Officers of the Crown overthrowing one another, to tell us what truth there is in the statement, that the landing of the expedition has been mainly assisted by English vessels. With regard to the subscriptions, I believe there are many sympathizers with the Sicilian cause even in this House. I, perhaps, may sympathize, but my duty here is superior to my sympathy, and I certainly will not show that sympathy by breaking the law of my own country.

THE O'DONOGHUE said, the hon. Member who had just spoken had acknowledged a sympathy which he believed was participated in by many hon. Members in that House. It used to be held, however, that illegal acts only met with approval and sympathy in Ireland; but such a doctrine could now no longer be maintained. He had recently had the honour of presiding at two meetings, and of taking part in a third influential meeting, for the purpose of expressing sympathy with His Holiness the Pope. He had never done anything of which he felt so proud, and he was sure the

House would agree with him that there was a great difference between assisting a legitimate Sovereign to maintain order in his dominions and assisting a rebel mob who were endeavouring to overthrow their legitimate Government. He hoped the Government would answer the question which had been repeatedly put to them, and would state what course they intended to take in this matter. Unless they did so this debate would have had a most unsatisfactory termination. As to the statement of the hon. and learned Gentleman (Mr. James) that those who were going from Ireland, if any were going, were proceeding to Italy in order to massacre the subjects of the Pope, he had no hesitation in saying that was a most unwarrantable calumny on the people of Ireland. He believed that if they were going it was with no such intention. He should not take upon himself to say whether these proceedings were contrary to the Enlistment Act or not; but he gave the most emphatic denial to the statement of the hon. and learned Gentleman.

LORD JOHN RUSSELL: My hon. Friend (Mr. B. Osborne) has asked me a question respecting the landing of Garibaldi, and respecting two British ships which are said in certain telegrams to have protected the landing of these men. Now, I received to-day from the Admiralty the despatch of the officer commanding one of these vessels—the *Intrepid*. Hon. Gentlemen should be informed that there is a considerable amount of British property at Marsala, and that from the time when a rising in Sicily was expected, and still more from the time when the report was circulated that Garibaldi was going there, applications have been made both to the Foreign Office and to Admiral Fanshawe, who commands in the Mediterranean, to send ships for the protection of British property where British subjects were to be found. Admiral Fanshawe accordingly sent the *Intrepid* and the *Argus* to Marsala. The *Intrepid* arrived, I think, on the 11th, but had not been there long before two merchant steamers came in with Garibaldi's force and began to land it. Captain Marryatt, who was in command of the *Intrepid*, has written an account of the whole transaction to the Admiralty, and that has been transmitted to me. He states that when the two vessels were going in, two Neapolitan ships of war—a steamer and a frigate—approached Marsala; but this officer says that, although these ships might have fired upon the vessels and upon the men during their landing, they did not do so. He does not say, not knowing anything of the story that has since been raised, that the English ships did not prevent the Neapolitan vessels from firing; but he says that, although they had the opportunity of firing upon the vessels and the men, they did not do so. He says, moreover, that after the men had been landed, and the merchant steamers had disembarked all the troops of Garibaldi, the officer in command of the Neapolitan steamer came to him and asked him to send an English boat to take possession of those vessels. The English officer, Captain Marryatt, very properly declined to do so. He had no instructions which authorized him to take possession of these vessels, or to take any part in those proceedings. His instructions were, as the conduct of the British Government has been, to observe perfect neutrality in the conflict that is going on. Therefore, although this officer does not give a direct denial—not knowing anything of its existence—to the allegation that his ships, being anchored, prevented the fire of the Neapolitan vessels, we may infer from his account of the transaction that such was not the case. It does appear that the Neapolitan captain asked him to recall from Marsala any of his officers who were on shore, and he immediately put up a signal for that purpose, and when his officers had come on board fire was opened on the town of Marsala by the Neapolitan ships. That should be considered as an act of international courtesy on the part of the Neapolitan captain, but it does not at all imply that the English ships were in the way of his fire. There is no reason to suppose that the English officer in any way exceeded his duty. He was there for the purpose of protecting British interests, and he did no more. I must now say a few words—and they shall be very few—upon the other point which has been so much discussed. I shall not of course, touch upon the question of law upon which hon. and learned Gentlemen on both sides have given us admirable disquisitions, but from which I cannot ascertain that in this particular case it would be wise for the Government to institute a prosecution. It is one thing to state the general purport of the law—and no one could do so with greater clearness and authority than my hon. and learned Friend the Attorney General—but it is quite another question whether, if the Government were to prosecute in a certain case, we asked him to state the proba-

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bility of obtaining a conviction. The hon. and learned Gentleman opposite (Mr. Malins) says, we ought immediately to prosecute the persons who put the advertisement into the paper. I am surprised that a lawyer should say that. What evidence have we of who it was that put that advertisement into the newspaper? We must first go to the printer of the newspaper and endeavour to obtain evidence of who had sent it, and then to connect them with the advertisement and the subscriptions.

MR. MALINS: Names are given of persons by whom subscriptions will be received.

LORD JOHN RUSSELL: There are names given by the printer of *The Times* newspaper, I allow, but I am not convinced that Signor Saffi, or others whose names appear, if they were asked by some one sent by the Attorney General, would at once admit that they desired their names to be given as the collectors of subscriptions to be expended in making war against the King of the Two Sicilies. I should think it would be necessary to prove all that, and to bring evidence to show that the printer of *The Times* did not wantonly and without authority use the names of Signor Saffi and others, or we should all be at the mercy of the printer of *The Times*, who might give the names of all the Cabinet as contributors of large sums to be used in waging war against the King of the Two Sicilies. The hon. and learned Gentleman is a much better judge than I am of these matters; but if the Government were to prosecute in such cases they would have to ask the law officers as to the means of obtaining convictions. All I can say is, that I do not remember any case of successful prosecution of persons who had been subscribing for the purpose of maintaining insurrections or war in Poland or other countries. There is one country in regard to which I recollect that I myself, together with many distinguished persons, was guilty of such an act. I refer to the insurrection in Greece. We carried on our proceedings openly. I was a Member of a Committee which met, I think, at Lord Fitzwilliam's house in Grosvenor-square, and afterwards we went to a public meeting in the City. I did not find at that time there was any great zeal for prosecuting us, and certainly I never suffered any imprisonment in consequence of my connection with those proceedings. Therefore, the question of common law does not appear to be quite solved yet, and it requires much consideration before the Government can feel warranted in interfering. But, after all, there is much difference of opinion upon these points. Some say, "What a wicked thing it is to assist in waging war against the King of the Two Sicilies, and in exciting insurrection against his power!" But, then, other gentlemen say, "That is not so very bad, but it is a dreadful thing to go and assist the Pope. That is a crime indeed." But really when you consider these questions of insurrection and international law, you must separate them from each other. A movement such as that which Walker attempted in South America, when he sought to invade and to obtain possession of territory, with no higher object in view than his own selfish interests, is one case; but a patriot fighting for the independence of his country is quite another case. We know that our sympathies and the judgment of history will distinguish between the cases of the filibuster and felon, and that of the hero and the patriot. We all remember that we had once a great filibuster who landed in the month of November, 1688, on the south-west coast of England. He not only received considerable support, but all the people of England flocked around him. That filibustering was completely successful. These are cases in which it is not sufficient to say that Garibaldi is a man fighting against a Sovereign whom he ought to respect, or that the Pope is endeavouring to maintain his authority by unlawful expedients. It is not enough to say these things in a glib and fluent manner. These questions, whether taken as questions of law, or politics, or morals, require much examination before you can affix either moral blame or moral praise to those who are engaged in them. I certainly would not pledge the Government to undertake a prosecution in this case. Whenever we find that the plain law is openly outraged, it is our duty, undoubtedly, to see that it is enforced. That has been done frequently in cases of breach of the Foreign Enlistment Act; but even as to that statute we have found considerable difficulties in the way of our carrying it into effect. I will not bind myself by a general declaration of what is the common law to prosecute those who are raising subscriptions for the prosecution of such an enterprise as that which has been undertaken in the kingdom of Sicily.

MR. WYLD said, that as the House was always willing to do justice to private cha-

racter, he rose to state with reference to the "blasphemous proclamation" that had been attributed to Ricciardi, that that document had never been acknowledged by that patriot or his friends. With respect also to the statement that Garibaldi was a member of a secret society which sought to attain its objects by assassination, it was the peculiar characteristic of Garibaldi that he had never joined any secret society. The fact was, that he was too noble, generous, and chivalrous to engage in any dark intrigue for the promotion of his political aims.

MR. MAGUIRE: The noble Lord has stated that the printer of *The Times* might take extraordinary liberties with the Cabinet, and might, in fact, publish the name of every Member of it as having aided and assisted Garibaldi. Now, Sir, if the printer of *The Times* had done that, I do not by any means think he would have made an extraordinary mistake. I believe Her Majesty's Government have done everything in their power—it may be unconsciously—to foster discontent in the dominions of the King of the Two Sicilies, and, to a certain extent, to promote and encourage the present rebellion. More extraordinary despatches than those addressed by the noble Lord to the Government of an independent Sovereign, I suppose, no one ever read. The noble Lord sitting in the Foreign Office as a kind of European schoolmaster, has regularly "birched" the King of Naples; in fact, he has done everything in his power, by the language and tone of these despatches, to discredit his authority in his own dominions, and, by anticipation, has almost justified the present insurrection. The King of Naples has been compelled to take steps and adopt measure which may be called arbitrary and harsh; but, whatever their character, they were absolutely necessary in the state of things created by the machinations of those who were conspiring against his Government. Surely, that Sovereign, when he found conspiracies hatching in Naples, had a perfect right to turn the conspirators out of the country. If there were a conspiracy in Ireland to-morrow, with a treasonable object, the noble Lord at the head of the Government would just do what the King of Naples has done in his dominions; and I may remind hon. Gentlemen that the Government of this country was not very scrupulous, on a late occasion, in putting down a conspiracy which was described as foolish and ridiculous. The noble Lord, the Foreign Minister, lectures and denounces petty Sovereigns and feeble States, but he carefully abstains from extending his censures to powerful Sovereigns, like the Emperor of the French. The spirit in which the foreign policy of the Government is conducted is that of truckling and cowardice to great Powers, and tyranny and oppression to small Powers. The noble Lord is brave when he has to deal with the King of Naples or the Sovereign of Rome, but he blanches when he has to face the Emperor of France. What is the fact? That the most abominable conspiracy which the world has ever seen is now being carried out upon the soil of Italy. Two Royal robbers—I can call them nothing else—pretending to be moved by the cries of "distressed nationalities," but really thinking only of their own aggrandisement, entered into an infamous engagement to strip certain Sovereigns of their dominions; and all the confusion and horror that reign at this moment in Italy, as well as all the evil results to the peace of Europe which may follow, are owing, and will be owing, to the infamous machinations of these kingly robbers. I am perfectly justified in believing that the robbery which has been perpetrated of a portion of the States of the Pope, of the Austrian possessions in Lombardy, and of the dominions of the Dukes, and the subsequent division of booty between these unscrupulous potentates, originated in a base personal compact between them. To what extent has this course been sanctioned by Her Majesty's Government?—and how far have the principles enunciated by Her Majesty's Government given countenance to those spoliations? Why, Her Majesty's Government have declared that it is lawful for any portion of the subjects of a legitimate Sovereign to rise up against him, cast off his authority, and transfer their allegiance to any other State or Power. Let you make it your own case. On the same principle the people of Cornwall or Devon, or the people of Wales, may throw off the yoke of the Queen, and may, by universal suffrage, express their discontent with Her Government, and their determination to be free and independent, or to transfer their allegiance to the Emperor of the French. And why, in that case, should not the Emperor listen to the cry of a "distressed nationality?" And, I ask, if such a case as this did occur, what real difference would there be to the throwing off and transfer of their allegiance by the Pope's subjects

in the Legations. Garibaldi has been spoken of as an illustrious patriot, and by many more such high-sounding epithets; but who are his accomplices, who his associates? Why the very scum of Italy—bandits and assassins, leagued together by ties of blood; and among the foremost of them is one whose deeds have been chronicled in the work of Farini, well known to its distinguished translator, the right hon. Gentleman opposite (Mr. Gladstone). Judging Zambianchi by his acts, he is proved to be an infamous villain, a sacrilegious robber, and a blood-stained assassin of the darkest hue. I shall tell the House something of this Zambianchi, who is now one of the associates of Garibaldi in his efforts to liberate Italy. He had been, before the breaking out of the rebellion of 1848, a Custom-house officer, whose duties lay at some point on the frontier of the Papal dominions. He was an infidel and a vagabond, who feared neither God nor man; but because he was an enemy of the Pope, he was, therefore, like all the Pope's enemies, a hero and a patriot. Let the House understand how this noble character, this enlightened friend of freedom, vindicated his principles and endeavoured to enforce them upon others. During the rebellion he assisted in arresting those who sought to fly from the confusion and anarchy then reigning at Rome and throughout the Papal States; and if those whom he arrested held opinions different from his own, and if he could not bring them round to his views by such mild arguments as threats and intimidations, he usually settled the controversy by the dagger or the pistol. The presence of so illustrious a patriot was naturally required in Rome, where he found a wide field of action for his zeal for free institutions. Priests and monks were the objects of his special care. He arrested them whenever he had an opportunity, and brought them to San Calisto, when he imprisoned them. There he shot some, stabbed others, starved more to death, and murdered others by piecemeal, burying them up to their chins in the earth, and gloating over their agony. Such were the scandal and horror, even in that time of licence, excited by the atrocities of this fiendish miscreant, that the revolutionary Government were eventually compelled to interfere, and put an end to his atrocious barbarities; and that interference saved eight or nine clergymen, who were found in his dungeon, and who undoubtedly would have been slaughtered as some hundred others had been. I have myself spoken to persons in Rome who had a narrow escape from the daggers of Zambianchi and his band of assassins. But, perhaps, it may be said this miscreant did not act so badly after all, because he had only raised his hands against a Catholic Sovereign, and that Catholic Sovereign the Pope. [*Cries of* "Oh!" and "No!"] What is the use of hon. Gentlemen saying "oh," when they constantly cheer every sentiment that breathes an opposite opinion or an opposite principle? I ask, what right has this Government, which we are assured is maintaining a "strict neutrality" in Italy, to interfere in an insurrection against the Pope? Is not this neutral Government always interfering? Because the Government of the King of Naples is a Catholic Government, rebellion in Sicily and Naples receives every encouragement from the Government of this country; and with respect to the Pope, Her Majesty's Ministers are constantly in the habit of declaring opinions and making statements most dangerous and damaging to the authority of the Sovereign Pontiff, but which, I may add, they dare not utter in reference to the Emperor of the French. When the King of Naples exercised his kingly authority, in order to prevent rebellion from breaking out, he was, of course, guilty of cruelty; but when the Emperor of the French acts as the King of Naples has done, is there the same ready rebuke from the noble Lord and his Colleagues in the Cabinet? Why, I ask, does the noble Lord do that to the King of Naples which he does not do to the Emperor of the French? The noble Lord may say, of course, as he has said before, that the Emperor went to Italy to give liberty to her people. Was there ever a more monstrous 'humbug' than that? [*ironical laughter, and cries of* "Hear, hear!"] I repeat, was there ever a more monstrous "humbug" than to assert or pretend that one of the most consummate despots that the world has ever seen went to Italy for such a purpose? Is it consistent with reason or probability that the Emperor Napoleon crossed the Alps to confer on Italy a free press and representative institutions? Do they exist in France? But has the noble Lord ever attempted to rebuke the Emperor because they do not exist in his dominions? Nay, when the people were shot down in the streets of Paris at the time of the *coup d'etat*, did any rebuke of the brutal atrocities perpetrated on that occasion come from the English Government?

Was there not, on the contrary, an expression of sympathy with Louis Napoleon from one whose name was almost synonymous with encouragement to revolution throughout the world? ["Oh, oh!" and "Hear, hear!"] Is this really a slander against the noble Lord (Viscount Palmerston)? But certainly we have never heard of any formal expression of disgust or horror at the atrocities which were then perpetrated in Paris. I say, Sir, gentlemen should be careful in laying down and sanctioning revolutionary principles, for no man knows how soon they may be turned against yourselves. If you had a quarrel to-morrow with France, I cannot see why Louis Napoleon, whose large heart throbs with compassion for "distressed nationalities," may not fancy that he heard "a cry of agony" come from Cork, or Kerry, or Connemara; I cannot see why, according to established precedent, the plaint of that afflicted nation may not move his tender heart, and stimulate his love of universal liberty. Why should he not land some 30,000 or 50,000 sympathisers with liberty and promoters of large and liberal institutions on the shores of Ireland? You should be cautious. I, as an Irishman, would be one of the first to repel such an attempt on the part of France, for I abhor the man, and I detest his rule; and much as I am disposed to find fault with the Government of England in its dealings with Ireland, I solemnly believe it would be one of the deadliest calamities which God could permit to afflict any country, if that man, or a single soldier that fights under his flag, set a hostile foot upon its shores. Sir, I desire that we in this country should be preserved from the machinations of a man so reckless and so unscrupulous; and I, therefore, ask Gentlemen to pause before they sanction principles which they may ere long find dangerous to their own interests. We ought to be the last, as the friends of true liberty, to encourage every rascally filibuster, every foul assassin, who is now seeking to promote his own private aims and objects under the auspices of two royal robbers, whose names will be branded with infamy when the history of these times is written.

MR. DANBY SEYMOUR said, he rose to express his surprise at the speech of the noble Lord the Foreign Secretary, and, in reference to that speech, he would first mention a conversation which he heard on the bench near him a few minutes ago. One hon. Member said to a friend who sat near him, "Of course, you are in favour of non-intervention?" and the reply was, "Of course I am." The conversation then continued in these terms: "What do you think of Lord John's view of the Sicilian insurrection?" and the reply was, "I think he is holding a candle to it." He thought himself that the noble Lord had taken up too decided an opinion on this question. The noble Lord certainly had held out very strong encouragements to those who were willing to assist General Garibaldi.

LORD JOHN RUSSELL: I beg the hon. Gentleman's pardon; I gave no opinion at all, either for or against the attempt. I said that all these cases must be judged by different gentlemen according to their own views and opinions; but I gave no opinion whatever.

MR. DANBY SEYMOUR: If I understood the noble Lord aright, he compared Garibaldi to our William III., and the landing in Sicily to 1688.

LORD JOHN RUSSELL: I compared General Walker with William III. landing in England.

MR. DANBY SEYMOUR said, that was certainly such an analogy as he should have least expected to hear from the noble Lord—a comparison of General Walker with William III. But he thought, and he believed many other hon. Gentlemen were under the same impression, that the tone of the noble Lord's speech was to encourage the Sicilian insurrection. He was certainly glad to hear that the noble Lord did not allow such to have been his intention, because he thought the position of this country should be one of non-intervention. If there was any country in the world that lived in a glass-house it was our own; and if we encouraged filibusters, or any persons who believed that they were invading a country in order simply to better its government, we might have those doctrines turned against ourselves. It seemed to him that it was a matter entirely of private judgment. Many persons considered that General Garibaldi, if he succeeded, would better the condition of the Sicilians; but that in the case of General Walker, he would not have done so. He (Mr. Danby Seymour) quite agreed with those who thought that Garibaldi, if he succeeded in Sicily, and if he was able to form a stable government there, might very easily set up something better than the Neapolitan Government. But when they considered the great difficulties that must arise if Garibaldi succeeded in abstracting Sicily from the

rule of Naples, and the European complications which must ensue upon that event, perhaps their best wishes might be directed to seeing a better Government in Sicily without that island being taken from those who were at present its lawful Sovereigns.

THE DEFECTIVE GUNBOATS.
QUESTION.

Sir FREDERIC SMITH said, he rose to ask the Secretary to the Admiralty, If he has any objection to discontinue the breaking up of the defective Gunboats until a full opportunity shall have been afforded for thoroughly examining into their state under the direction of a Select Committee, should it be appointed? A Motion of his own in reference to these gunboats had been postponed until the following Tuesday; and if it were true, as had been stated, that such boats were in the course of being broken up, then his Motion would fall to the ground. The breaking them up would get rid of one great means of forwarding a prosecution should such a step be deemed neecssary, and he was, therefore, very desirous that the Government should give orders to suspend any attempt to break up any of these vessels or to repair or alter those which were not in so bad a state, in order that a Committee might have the means of ascertaining where the fault lay, and to what extent the injury had gone. The other evening the noble Lord the Secretary to the Admiralty was asked to name the contractors by whom the boats were built—a question which he, with his usual good taste and judgment, declined to answer. But since then the respectable firm of the Messrs. Green had come forward and publicly stated in the newspapers that they were the constructors of a large number of the boats stated to be imperfect; and they admitted the use of unseasoned timber, and, to a certain extent, that of short bolts. If their statement was as correct as he hoped it was, with respect to the extent to which short bolts had been used, the mischief was not so great as had been imagined. The letter of Messrs. Green gave the strongest reason why there should be a Committee of Inquiry, and why the work of demolishing the boats should not be further proceeded with. They said:—

"As to the vessels being defective, we are not surprised, as many of them were built of unseasoned timber, although the best that could be got at the time, and the air excluded when they were hove up out of the water at Haslar, instead of having a plank taken out fore and aft for ventilation, which ought to have been done."

Any man who knew anything about ships would see the force of this observation. They then proceeded:—

"With regard to the short bolts, we beg to state that during the progress of the work we were pushed very hard by the Admiralty to complete our contract, and even threatened with legal proceedings if behind time, which compelled us to employ a large number of strange shipwrights, who worked very often night and day, and it would, therefore, be impossible for us or the Government inspector to be answerable that every bolt was properly driven. It is admitted by the Admiralty, in their report, that 2,202 bolts were properly driven through; and we maintain, as shipbuilders, that planks fastened with one through bolt in every other timber, with a short one between, are quite sufficient to secure the safety of any vessel of war. Lloyd's require one through bolt and one short bolt in every butt, and not less than half of the trenails to be driven through, in building their highest class ships, calculated to carry heavy cargoes; and, should the ship be copper-fastened, they require only one half of the bolts to be through bolts, and all the rest short bolts. We complain of the Admiralty for not giving the contractors longer time to build these vessels, and for not having a larger staff of inspectors to superintend the work, and also for not taking proper care of them after they were duly delivered up into the charge of their authorities, according to contract, with the necessary certificates."

He thought that those allegations were matters for inquiry, and therefore he was anxious that the best evidence in the case—that of the boats themselves—should not be put out of the way. He hoped the noble Lord would be able to give him the assurance that the destruction of these boats would be immediately stopped.

Sir JAMES ELPHINSTONE said, he had hitherto forborne to offer his opinion upon this subject, for he had hoped that the matter would take some tangible form, and the question have been put on a footing which would be productive of some advantage to the country. These vessels were defective in every possible form; and as they formed a species of defence which had become of the very greatest importance to this country, he thought that if his hon. Friend persevered in his Motion for a Committee of Inquiry into their state, he ought also to add that that Committee should inquire into the whole question as to how that arm of the public service could be best supplied. He would not on that occasion enter into the personal question. It was necessary, during the Russian war, to construct a force of gunboats speedily, and, as the means of providing seasoned timber was wanting, the Government was compelled to take what they could get, and they built certain vessels of a new description,

which, to some extent, answered their purpose. Having said this he had said all he could in their favour; and he would add that he thought that the much more sagacious course would have been for the Government, at the end of the war, to have dispensed with these vessels altogether, and to have directed that vessels of a more suitable character should be constructed. There were one hundred and fifty of these gunboats, and they constituted a description of force and a means of defence which were rendered requisite by the preparations going on elsewhere. But the existing gunboats could neither steam nor sail. They could not carry their guns in heavy weather, and they were incapable of moving from one point of the coast to the other, when they were required. If he supported this assertion, he thought it clear that one great object of the Committee should be to inquire and ascertain what a gunboat really ought to be. A friend of his, a short time ago, fitted out a gunboat for a distant colony, and the gentleman to whom he alluded being an officer of great intelligence, he (Sir J. Elphinstone) asked him to let him know what were the performances of his vessel. The communication he received was the following:—

"I can sum up the good qualities in one short sentence—she is an excellent seaboat and stays well; beyond this, I cannot add a word in her praise; and her defects would fill a sheet of foolscap. She will neither sail nor steam, and draws eight feet six; maximum speed about five-and-half—we once obtained seven and eight, with a gale on the quarter. She cannot steam under any circumstances for more than twenty-four hours without stopping to 'sweep tubes,' and with any head breeze or sea her rate may be represented by the *minus* quantity. She cannot generate steam sufficient to maintain a regular speed of five knots even for more than six hours at a time. She leaks like a sieve. So badly were the boards under the stoke-hole plates fitted that the ashes readily found their way into the bilges, choked the pumps, and continually, on our passage out, obliged us to stop, when under steam, to take them to pieces. The suction pipes of these pumps were so miraculously placed as to be totally unserviceable except the ship was on an exactly even line. These two defects have been remedied at Rio, at an expense of £37, which might have been done in a home yard for £5. *Sic transit argentum Angliæ.* Moral—which fully accounts for the income tax. The magazine has generally from one to two inches of water in it, and the bilges, notwithstanding the most careful attention, stink to such a Thames-like degree as fairly to drive me a wanderer and a fugitive from my cabin, the paint in which was turned in a few hours from white to a slimy-looking chocolate. On the passage out I was obliged to sling and sleep under the mizen boom in fine weather; and in foul I used to draw my waterproof around me and doze for the night in a chair. As for my cabin, I never went near it—could not—except to dress in a morning or bolt my meals. Everything I had in it has been completely spoiled, stock and clothes. One-half the ship's company only can sling their hammocks, the other spend the night in crawling on to bins and rolling off again."

Sir James Elphinstone

This was an account of a gunboat on service, making her way to the point where she was to defend the honour of the country. He would give the House another instance. He was on board one of Her Majesty's ships at Spithead last week, and when he left the ship the wind was blowing fresh from the east. To come on shore he availed himself of one of these gunboats, and they arrived in safety opposite South Sea Castle. The tide was running to the eastward at about four knots, and, as had said, the wind was blowing half a gale from the east. With a handy vessel, without steam at all, the wind would have carried her over the tide. But this vessel, with all the steam she could muster, could not stem the tide, and after all kinds of efforts she got on the top of one of the buoys and could not get clear of it. At last, after sticking for twenty-five minutes in one place, with all the ladies and gentlemen looking at them from the Esplanade, they were obliged to land in small boats. He went down to the beach an hour or two afterwards, and the gunboat was still in the same place, and there was no difference, except that they had let go her anchor because she could not stem the tide. He inquired whether the boat was inferior to the rest of her class, and the answer he got was that this particular vessel was one of Her Majesty's advanced steam reserve, the *Beaver*, and that she was understood to be so efficient that she was used for the purpose of taking the officers backwards and forwards. He would appeal to his hon. and gallant Friend the Member for Devonport (Sir Michael Seymour), if he were present, to say whether, in transporting these gunboats from Hong Kong to the Nore last year, he was not obliged to take the guns out of them. One of these gunboats, thus not having a gun on board, but only two howitzers to defend herself, was attacked by three or four piratical vessels, and only saved by the extreme gallantry of the young lieutenant who commanded her. The mistake made by the Admiralty was in not selling these vessels out of the service at the close of the Russian war. They would have made very good coasters, and their engines, being high pressure, might have answered very

well for thrashing corn. Instead of doing that, however, the mischief had been perpetuated by the creation of that most extraordinary establishment, the gunboat stable at Haslar. There were forty or fifty gunboats there laid up in a row like horses in a stable, dependent for the means of getting them afloat on a very complicated screw, and the slightest derangement of that machinery would lock them up, so that they might as well be in Winchester Gaol. Such was the strange contrivance of a First Lord of the Admiralty to keep these useless vessels; but the precaution of removing a plank from the bow, and another from the stern of each vessel, to secure internal ventilation was omitted; the timbers were neither kyanized nor subjected to any process to prevent the growth of fungus, and so they had rapidly decayed. Every naval man must perceive the absurdity of the course that had been adopted. He, therefore, recommended the House to institute an inquiry into the whole subject of small vessels, for that was an arm of our navy which, in future wars, would be of the greatest advantage if it were properly cared for. His opinion was that the form of these vessels should be entirely altered. In the next war an Armstrong gun might be put aboard each of the penny steamboats on our river; he would undertake in a forenoon to fit one of those boats for the purpose. We should then have vessels of the highest speed under steam carrying guns which could throw shot or shell an immense distance; and those vessels moving with great rapidity, and being painted with a tint which could not be distinguished from the colour of the water a thousand yards off, it would be very difficult to hit them. Such should be the vessels to which we might confide the defence of our shores, and not to those miserable things of which he had given no exaggerated description, and which would be certain to fail us in the hour of need.

Lord CLARENCE PAGET said, his hon. and gallant Friend had given them a very graphic description of the defects of the gunboats, and he (Lord C. Paget) was not going to attempt to defend them or to state that they were perfect in all respects. But the best proof he could give that these gunboats were not thought to be perfect by the Admiralty was that the gunboats now in course of construction were built of a very superior form, and would carry a very superior armament to that of the gunboats which had been built at the time which had been alluded to. He agreed with his hon. Friend in what he thought as to the lamentable *exposé* which had happened at Portsmouth. With respect to these vessels, all he could say was that the Government was not in the act of breaking them up, and this applied particularly to those which were alluded to in the Motion. The moment in which the Admiralty found the very defective state in which they were, they ordered them to be left in that state, so as to allow the contractors to see their state, and also with a view to ulterior measures, if any should be adopted. As to the mortar boats at Chatham, he apprehended that it was too late to prevent their being broken up, for by this time the work was in a very forward state; but with regard to the other vessels, no doubt the Admiralty would leave them as they were until it was ascertained what course should be pursued.

Sir CHARLES NAPIER said, he fully concurred in the opinion that this was a subject which could not be too often discussed. It was a most important question, for on it depended the lives of our seamen and the defences of the country. He did not blame the Admiralty for having built the gunboats, because they were urgently demanded at a period of emergency. But, as to the manner in which they had been built, Mr. Green had let the "cat out of the bag," and it appeared that the Admiralty were as much to blame as the contractors. Mr. Green alleged that the Admiralty did not provide a sufficient number of inspectors to look after the contractors, although, as the work was carried on during the night, instead of fewer there should have been more of these officers in attendance than usual. The hon. and gallant Member for Portsmouth had said very truly that these gunboats were unfit for any service but that for which they were originally intended—to make short voyages, not far from our own shores, and to act on an enemy's coast. If we were to go on building these small craft, we ought to build a very different sort of vessel. He hardly thought it would be safe to trust so important a matter in the hands of the Admiralty as at present constituted, seeing that their previous efforts had proved such complete failures. How could it be otherwise in a department ruled by a civilian, who knew nothing whatever about naval matters, with a Board appointed chiefly for political reasons, and with but little regard to professional merit? He could hardly recollect

single naval man of eminence and distinguished talent who had ever had a seat at the Board of Admiralty. Sir Thomas Hardy was the best of them. [An hon. MEMBER: Sir George Cockburn.] Well, he owned Sir George Cockburn was a distinguished officer; but during the whole eighteen years that he was at the Admiralty scarcely a single improvement took place. In the War Department there were the Adjutant General, the Quartermaster General, and their respective deputies, who could be employed to inquire into anything that went wrong and prepare a report on the subject. But the services of no similar officers were at the disposal of the Admiralty, although in the case of the recent mutinies they would have been found of great value. When the Admiralty wished to make an inquiry into any irregularity on the spot where it occurred, so many of their Lordships went down in their yacht, which was very beautifully fitted up and well stocked with wine, and enjoyed themselves as though they were a mere party of pleasure. He would suggest that the offices of Rear Admiral and Vice Admiral of England should no longer be allowed to remain sinecures. The Senior Lord of the Admiralty ought to fill the office of Rear Admiral, and the next Lord that of the Vice Admiral. They could then visit the dockyards, inspect the ships and the works, and examine everything for themselves. They might then, perhaps, be able to instil some sound ideas into the head of a non-professional First Lord. He was aware that civilians were in the habit of retorting that the business of the Admiralty had never been conducted more efficiently when a sailor was at the head of it. The Administration of Lord St. Vincent had been subjected to a good deal of criticism. Now, Lord St. Vincent entered upon the duties of First Lord at a time when the fleet was in a deplorable state, but he succeeded in re-establishing discipline. He wished we had another like him to re-establish discipline now, for it had almost disappeared in our navy. He feared that as long as the navy was governed as at present no true economy would ever be secured. It was startling to look back on the various classes of vessels which, after having been constructed at great cost had been abandoned as useless. First there were the notorious "Forty Thieves," and then the "donkeys," which were made use of when the frigates were found to be failures. Lord Spencer's gunboats, called after his dogs, came next, followed in succession by Sir W. Symonds's vessels, the iron vessels and the gunboats, which he agreed with his gallant Friend opposite had better be broken up. The slip at Haslar was invented by a civil Lord of the Admiralty, who did not, it was said, consult his Board at all on the subject, and his gallant Friend had shown them what sort of a job he had made of it, and how quickly the 70 vessels hauled up there had gone to decay. There really ought to be a Committee of Inquiry into the whole question of the government of the navy.

ADMIRAL WALCOTT: I have refrained from taking any part in the discussion upon the defective state of the gunboats, because my noble Friend the Secretary to the Admiralty has acted in my belief with the greatest fairness. He has promised that every effort to bring the builders of the unseaworthy vessels to punishment will be made by the Admiralty, and, should they fail in doing this, that he himself would move for a Committee of inquiry. No man could do more than this. I think the noble Lord has acted with propriety in withholding the names of the contractors who built the defective vessels, pending the conclusion of the examination into the condition of the greater number. We must bear in mind that these gunboats were required during a great emergency, when it was indispensable that no time should be lost in their construction; the contracts were offered, in the first instance, at £20 a ton; the contractors avowed that it was impossible to find seasoned wood, the Admiralty were apprized of the fact, and, if the Board was satisfied, upon inquiry, with this statement, they were justified under the extreme exigencies of the occasion, in directing that kind of timber to be employed. Still it is, apparently, an extraordinary fact that all the large private yards could not supply a sufficient amount of seasoned wood to build one hundred such vessels; in that case the Admiralty would be justly censured if it had not insisted on its employment at any cost. The honour and reputation of the country, and the lives of officers and men might have been endangered owing to the defective construction of these vessels, I, therefore, cannot command language sufficiently strong to express my abhorrence of the manner in which these gunboats were launched for service. The contractors, in their defence, plead the shortness of time allowed by the Government for the completion of these vessels, and the necessity laid upon

them of employing shipwrights with whom they were unacquainted, and whose honesty and character they were unable to rely. I cannot believe that the contractors were themselves guilty in the face of knowing that their reputation was at stake, and that one day the truth would be elicited. Any miscreant with a chisel and hammer could cut off the bolt-ends in the dead of the night without fear of detection, and dispose of the metal to the marine store dealers. I will not breathe one word of censure against any man without previous inquiry, and I understand the Admiralty has instituted proceedings of that nature to discover the persons worthy of blame, which, I am afraid, will be a task of extreme difficulty. All the Government yards were at the period actively engaged in preparing vessels for sea, when the war was at its height, and I cannot believe that it was in the power of the Surveyor of the Navy to send two or three persons to each of the private yards to oversee the works during their progress. I always believed that these gunboats would prove of no value, and I have some consolation in thinking that now they will give place to a superior class of vessels.

CIVIL SERVICE ESTIMATES.

QUESTION.

MR. AUGUSTUS SMITH said, he rose to ask the Secretary to the Treasury when it is intended to proceed with the Civil Service Estimates; how soon No. VII. of those Estimates will be laid upon the table of the House, and whether the same will contain an Estimate for the Expenditure of the Commissioners of Woods and Forests during the current year? The hon. Member reminded the House that four months had elapsed since the commencement of the Session, and expressed an opinion that, of late, forty or fifty items were included in No. 7, many of which might very well appear in Nos. 4 and 6.

MR. LAING said, he should be very glad to be able to reply to the first question, but he was sorry to say that the period when the Civil Service Estimates would be taken must depend upon the course of public business, over which he had manifestly no control. It would be necessary before Whitsuntide to ask the House for a Vote on account of those Estimates, as was done last year, and they would be proceeded with on the earliest opportunity of which the state of public business would admit. No. 7 contained those Miscellaneous Votes which could not be ascertained until a late period of the Session, and that class was never presented until late, in order to obviate the necessity of Supplementary Votes. The papers would certainly be presented, and in the hands of hon. Members, so as to give time for consideration at least equal to that which had been the usual practice. With regard to the expenditure of the Woods and Forests, that involved a very grave constitutional question. In 1857 a Committee which inquired into the subject recommended that the salaries should be voted, but not the expense of collecting the revenue, which was settled by the Act by which the Civil List was given to the Sovereign in substitution of it. The Committee of 1857 also pointed out the constitutional difficulty of departing from that course, and it was not the intention of the Government to undertake a responsibility which two Committees admitted was not free from difficulty. The Woods and Forests Estimates would therefore be submitted in the usual form.

MR. DISRAELI: Sir, I have no wish to prolong this discussion, but I must say a few words as to the practice which the hon. Secretary to the Treasury has just adverted to—that of voting money on account. I quite agree that there are occasions on which it may be expedient to have recourse to that practice; but I hope it will not become chronic, and that the House will seriously consider before it consents to take this course. The Government may be able to state very fair reasons for it on the present occasion, but the proposition is one which the House of Commons ought to view with great suspicion. It is, in fact, a mode by which all real examination into the expenditure of the country is prevented, and, without referring more particularly to the present case, I wish generally to impress on the House that it is of great importance that this proceeding should be looked on as one of extraordinary character, and one which if persisted in will virtually dispossess this House of all practical control over the expenditure. I am totally unaware what are the circumstances which can justify the Government to make this demand on us. No doubt, the statement which they have to make may be perfectly satisfactory, but, if this demand is only made on us to enable them to go on with business in which the House and the country do not appear to take any great interest, whereas the expenditure of the country must always be

a matter of general interest, I shall view the proposal with feelings not of a character to make me too eager to saction it.

CHINESE CUSTOMS.—QUESTION.

Mr. WYLD said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the Earl of Elgin, while at Tientsin, made any arrangements with the Chinese authorities for the appointment of Foreign Inspectors of Customs at the open Ports, and reserved the right of filling eleven such appointments; and if so, why the correspondence relating to those appointments was not printed in the Blue Book of his Mission; if there is any objection to lay this Correspondence upon the Table of the House, together with the Despatch from Lord Elgin announcing the appointment to the Chinese Customs of the Secretary to his Lordship's Embassy; and if there is any objection to lay upon the Table of the House Copies of the Correspondence from Mr. Bruce on the subject of the Chinese Customs' Foreign Inspectorship, especially as regards the Ports of Canton and Swatow?

Lord JOHN RUSSELL said, there was no such Correspondence in regard to the appointment of foreign inspectors of Customs, as far as Lord Elgin was concerned, to be found in the Foreign Office. There had been a correspondence with Mr. Bruce on the subject, but as it related chiefly to the objections raised by the American Minister at Canton it would not be right to give it. There had been no correspondence with regard to the appointment of Lord Elgin's secretary to any office connected with the Chinese Customs. The system now at work at Canton and Shanghai was understood to work satisfactorily, but it was not at work at Swatow, because the trade was not opened there. No doubt, however, it would be established there when the trade was opened.

Question, "That this House will, at the rising of the House this day, adjourn till *Monday* next," put, and *agreed to.*

REFRESHMENT-HOUSES AND WINE LICENCES BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 12. (Notice of First Application for a Wine Licence for a Refreshment House to be given to Justices, who may object to the granting thereof on grounds to be stated.)

Mr. Disraeli

Mr. AYRTON said, it would be difficult to carry out the clause as it stood, and he would suggest that, unless objection were made, the licence applied for should be issued in due form of law; and a proviso might be added that where notices of objection had been given, the justices should make their decision within ten days.

Mr. HUNT thought that the objection to the applicant should be raised at one meeting of the Bench and decided at the next.

The CHANCELLOR of the EXCHEQUER said, he could not consent to this proposal. In deference to the feeling of the Committee the Government had given way respecting the Middlesex magistrates, who, it now appeared, would not meet above five or six times a year—a circumstance which would be extremely unjust to the parties. In all cases in which there were no objections raised by the magistrates, thirty days' notice was full and ample; he admitted, however, that where objections were raised some extension of the notice was necessary. What he proposed was this, that in case objection was taken, the magistrates should have the power to signify the same to the supervisor, transmit to him the objection, and then that a new term of thirty days' notice should begin running from that date, and until after the expiration of which the licence should not be issued.

Mr. WOODD said, he only knew of one case in which the Sessions were held monthly; and there it was impossible that a longer interval than twenty-eight days could elapse between the sittings.

Mr. PULLER said, in places where it had been only usual to hold Sessions monthly, the operation of the Bill would necessitate more frequent meetings of magistrates for the granting of wine licences. He regarded the existing machinery as preferable to any which would be created under the Bill; but the magistrates' power of taking objections ought to be limited or defined.

The CHANCELLOR of the EXCHEQUER said, he thought that the term of sixty days, in case of objection being taken, was quite sufficient. If the plan proposed by hon. Gentlemen were adopted five or six months would elapse before a person could be sure of getting a licence.

Mr. HENLEY said, the further they proceeded with the Bill the greater were the difficulties which arose. For his own part, he should decline to give any opinion on this clause until he had seen it in the

shape in which the numerous additions and Amendments of the Chancellor of the Exchequer would place it. It had already been once completely altered, and now the Chancellor of the Exchequer was going to add a new proviso to it. Until they saw it in its complete shape it was impossible to judge of its practicability. It was quite true that most Petty Sessions met more than once a month, and many even every fortnight, but the fact was, it would take so many of these meetings before anything satisfactory could be done. The Chancellor of the Exchequer seemed to him to have an idea that having given notice to a magistrate's clerk, the magistrates, when they came together, were to have a kind of intuitive knowledge of every man's character in the district. Magistrates, however, could only obtain that knowledge by inquiry, and inquiries required an outlay not only of time but of money. Then, again, the caveat was to be served. Who was to pay for all this? Somebody must be paid for making inquiries, or the inquiries would be of very little use. It was not to be expected that magistrates were to go poking their noses into every hole and corner. Some machinery must be set on foot to get the required information; somebody would have to ferret the matter out and to report to the magistrates what they thought worthy of stating. He should not offer any opposition to the clause, but the sooner they could have it before them in the shape in which the Government proposed to leave it the better it would be, because they could then all see whether it would be likely to work or not.

MR. EDWIN JAMES said, he rose to move the Amendment of which he had given notice on the 12th clause. The Bill, as it at present stood, would create a great anomaly. It gave the magistrates the power of refusing or placing a veto on the licence of a winehouse; but that veto was limited to two grounds of objection. He proposed to ask the sanction of the Committee to an Amendment which would give the magistrates the same power of refusing a licence to a winehouse they now possessed with regard to ordinary public-houses. If it was right to take from the magistrates all control over public-house licences, let it be done by a distinct Bill; if it was wrong that they should possess this power over the new wineshops, it must also be wrong that they should exercise it over the common public-houses. If the power was left to them over one class of houses, and not over the other, the law would be rendered impracticable and perfectly ridiculous. The establishments which the Bill would create would combine all the elements of the old public-house; they might combine the eating-house with a beer licence; and then a wine licence might be added to it. This would make the new wineshop, to all intents and purposes, a public-house; for no one knew better than the right hon. Gentleman that spirits would be privately sold at them. But these establishments were to be licensed by the Excise department; the magistrates would have no power of judging whether the requirements of a neighbourhood rendered such houses necessary. Yet the Bill made a concession of this power of deciding according to the requirements of a locality to the Chancellors and authorities of the two Universities. The number of young men attending the lectures of the London University and King's College was large; and there was the whole youth of the Metropolis to be considered. If the controlling power was retained to the heads of the two Universities from consideration of the young men residing in them, why should not the same power be continued to the magistrates in the Metropolis? If they had not exercised their power over licences properly, let the law that gave them the authority be repealed altogether. The Chancellor of the Exchequer had alluded to a case, reported in *The Times*, in which a person named Langham had applied for a public-house licence, which the magistrates refused. What would be the result of such a case under the present Bill? A man whose application for a public-house licence was refused would immediately take out a wine licence, or a beer licence, with which the magistrates could not interfere, carry on his business, and laugh at the magisterial power altogether. He did not deny that the licensing power of the magistrates might have been abused; if so, let it be abolished altogether. The hon. Member for Westminster (Sir John Shelley), who seemed to be an opponent of the public-house keepers—perhaps because they were opponents of his—was opposed to this magisterial power. But, as the hon. Member for Norfolk said, it was quite ridiculous to suppose that people would get pure claret and chablis in these new wineshops. The Chancellor of the Exchequer said he would gladly exchange the drunkenness of London for the drunkenness of

Paris; but every one who knew anything of Paris knew that a cheap liquor of the strongest kind was commonly sold in the estaminets at Paris. But he did not put the question on this ground; he thought that the law as to licences should be applied to both classes of houses, or let it be repealed altogether. But if they confided the power of licensing to the magistrates in one instance, it was only just and fair they should give them the same power in the other.

Amendment proposed,

"To leave out from the words "Wine Licence," in line 31, to the word "respectively," inclusive, in line 39, in order to insert the words "at their discretion, and upon all or any of the grounds on which they are now entitled to refuse or disallow any Licence by virtue of the Acts now in force regulating the granting of Licences to Public Houses."

THE CHANCELLOR OF THE EXCHEQUER said, he could complain neither of the Amendment nor of the manner in which it had been proposed. The hon. and learned Gentleman, in submitting it to the notice of the Committee, had commented on the conduct of the hon. Member for Westminster, who, he suggested, was the opponent of the publicans probably because they were opposed to him; but he (the Chancellor of the Exchequer) should very much like to know whether the converse of that proposition held good. Be that, however, as it might, he could not help thinking that it was not necessary to argue at length a question which certainly was the grand question of the debate on the second reading of the Bill. Anything in the shape of restraint—anything in the way of showing cause why licences should not issue, the Committee would be willing to entertain; but there could be no doubt that the pith and marrow of the Amendment lay in opposing the principle which was adopted by the House in the second reading. The hon. and learned Gentleman had cited the example of the Universities of Oxford and Cambridge, but in those cases there were vested rights secured by ancient charters, from which those corporate bodies derived considerable revenues, and he was sure the House would not destroy these beneficial interests by a bye-blow. The whole question raised by the hon. and learned Gentleman was involved in the three opening words of the Amendment "at their discretion," and it was the question of this discretion that was disposed of on the second reading of the Bill. The hon. and learned Gentleman had said, "Let us have one system or the other; let us not have a modification." But that was precisely what the House had decided. The condition of public business would alone make it obvious that the House was not prepared at present to deal with the whole of the subjects embraced in the Report of the Committee of 1854. They had been brought by a special question to this special measure. They had passed a Bill under which wine was to be admitted into this country upon terms which would place it within the reach of a very much larger class of consumers than at present. They had had to consider whether that wine ought to be restrained as regarded its supply within the channels now provided by law, and that question the House had most wisely decided in the negative. He did not think it would be advantageous again to debate the social and moral questions involved. The issue raised by the present Amendment was the question which had been decided upon the second reading of the Bill, when the House came, by a large majority, to the conclusion that the time had arrived when, at all events as far as wine was concerned, a more extended means of consumption ought to be allowed through the medium of a freer system of licence, combined with greatly improved means of control and police regulation.

MR. HARDY said, he should support the Amendment. The discussions which had taken place on the Bill tended distinctly to show that great difficulty in carrying out the law with reference to the regulation of the sale of liquors arose from the fact that different licences were granted. The Committee of 1854, for example, had arrived at the conclusion that the establishment of beershops—and the fact of their resorting to all sorts of expedients to obtain custom, thus compelling public-houses to follow their example—multiplied the evils in connection with such places of which complaint was made. That that view was correct was rendered pretty clear by the circumstance that in country towns and villages, where a check was put on the number of licences granted, the evils which were associated with public-houses were proportionately diminished; but, while he was far from saying that abuses did not prevail under the present system, he did not think the Chancellor of the Exchequer was taking the best or most honest course to provide for these abuses a remedy. A great deal had of late been said about the case of Langham, to whom a licence had

been refused by the magistrates on the ground of his keeping a disorderly house. Let him suppose that upon that refusal he had taken a house in the immediate neighbourhood of that which he had formerly occupied, and obtained a licence, as he might do under the present Bill. He might make it an eating-house; the magistrates could not call it a disorderly house, for it had not been previously occupied, and a licence would be granted. They might make the law as strong as they pleased, but to a certain extent it would be evaded, and their only security would be to give the magistrates the initiative. He frankly owned that his objection to the magistrates was not as to what they had done in the initiative, but in respect of what they had omitted to do by way of check. They had paid too much respect to vested interests. When houses became disorderly, magistrates had no more reason to respect vested interests. At that moment the magistrates ought to interfere most stringently; and where there were two or three convictions for a disorderly house, they should proceed against the house itself. He did not admit the right of old charters to introduce immorality and disorder into the Metropolis. Three or four of the very worst places in London were under the free vintners, or they would long ago have been put down by the magistrates. So long as character was left out of this clause, it became an imperfect means of putting a check on these houses; he should therefore support the Motion of the hon. and learned Member for Marylebone.

SIR JOHN SHELLEY said, that with reference to what had been stated of him in connection with the licensed victuallers, he begged leave to say he had that respect for the licensed victuallers of the Metropolis to be convinced that if they saw a person stand up manfully maintaining his opinions, though these might not entirely coincide with their own, they were not at all likely to form a worse judgment of him. He was bound as a representative of the people to look to the general good of the community; and his firm belief was the public would derive the greatest possible advantage from these refreshment-houses. The Amendment sought to put these refreshment-houses entirely under the jurisdiction of the magistrates, who were to have the right or discretion of saying how many houses should be licensed for the sale of refreshments. The magistrates from the agricultural parts of Middlesex had no real means of knowing what number of refreshment-houses were required in any particular district of the Metropolis, and therefore he entirely objected to a discretionary power being placed in the hands of the magistrates. The number of refreshment-houses in any district would soon find their own level. Whether he lay under the imputation of acting for or against the licensed victuallers, he should certainly oppose this Motion.

MR. KER SEYMER said, he believed the adoption of this Motion would tend to create a new set of vested interests, and they had enough of vested interests to deal with already. If the magistrates had power to decide how many houses should have these licences, in the Strand, for instance, or Holborn, the houses so licensed would speedily acquire that mysterious value now attached to the establishments of the licensed victuallers. If they ever wished to adopt the recommendations of the Committee let them reject the present Motion.

SIR WILLIAM JOLLIFFE said, he thought that this clause embodied almost more objectionable features than any that he had ever seen. The irresponsible power proposed to be lodged in the hands of magistrates would bring down a great deal of blame upon them. If they were to give magistrates any power they had better give them power under the licensing system as it at present stood, but it was not fair to throw upon them a duty which they could not exercise without subjecting themselves to blame.

MR. AYRTON said, the Chancellor of the Exchequer was not entitled to quote the decision of the House on the second reading of the Bill in favour of this clause; because that right hon. Gentleman had undertaken, if they only consented to go into Committee, to make all sorts of amendments, obviating almost every conceivable objection. It was said the present licensing system ought not to continue, because a Committee had recommended that it should be changed. Nothing, however, could be more unjust or more impracticable than the plan suggested by that Committee — namely, that every public-house in the Metropolis should pay £30 before it was licensed; and every public-house in other parts of the country only £8. All experience showed that the discretion given to the justices in this matter should be as absolute as that proposed by this Amendment. Since the Norman con-

quest, and probably long before it, houses for the sale of beer and wine had been under the strict control of the law; and, instead of relieving them from existing restraints, those restraints ought rather to be strengthened. If the justices did not now discharge their duty in regulating these places, let us have a law to make them; or, at all events, their functions might be remitted to the inhabitants of each locality. There was no more important duty which the magistracy could perform than that of repressing intemperance; and the better portion of the working classes desired to see stringent restrictions applied to places where the people now gathered together and were incited to drink to excess. If the magistracy were not prepared to co-operate in the promotion of public morality, let their powers for this object be confided to other hands. The Chancellor of the Exchequer said they must create increased channels for the abundant supplies of foreign wines which he anticipated. That argument only showed the necessity for taking additional precautions against abuse. By their legislation they might easily prevent the setting up of any of those new vested interests which appeared to frighten hon. Gentlemen. The conduct of Government on this question was anything but frank or satisfactory. Why did they not bring in a measure to consolidate and amend the whole of our law relating to the sale of intoxicating drinks? At all events, that law ought to be left as it stood, until it was revised with a view to the end for which it was designed —the repression of intemperance, not the filling of the public coffers.

Mr. SOTHERON ESTCOURT said, that in this case the Excise was to grant the licence, though a sort of veto was given to the magistrates. This hybrid form of uniting together the two kinds of licence would produce great confusion. The competition likely to be created would be pernicious to public morals, and would render it more difficult to deal hereafter with the whole subject in a comprehensive measure, framed in accordance with the Report of a Select Committee. He should vote for the hon. Gentleman's proposal, because he thought it would be well to put the matter on something like an intelligible footing.

Sir WILLIAM MILES said, they were now in a transition state. The plan of the Chancellor of the Exchequer was much better than that of the Beer-houses Act. It gave to the magistrates the power of regulating these refreshment-houses; and the result would be to make those places far more orderly than the existing beer-houses. The Bill gave everybody who did not wish to frequent either a beer-house or a public-house the opportunity of partaking of wine in moderation. ["Oh, oh!"] Well, it might be without moderation. But that was a point that depended entirely upon the taste of those who frequented these houses. The measure should have his best support. The Amendment of the hon. and learned Gentleman was one which the Government could not support, and he trusted that they would go to the division as the friends or enemies of the Bill.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 154, Noes 117: Majority 37.

Mr. HUNT said, he proposed to insert in the clause words authorizing the refusal of a licence in cases in which the applicant had within three years been convicted of any offence, or had within that period kept a common inn, alehouse, or victualling-house, and been refused a renewal of his licence.

The SOLICITOR GENERAL suggested that the word "misdemeanour" should be substituted for "offence" in the Amendment of the hon. Gentleman.

The CHANCELLOR of the EXCHEQUER said, he had no objection to the substance of the Amendment, but thought that it ought to have been introduced earlier in the clause.

Mr. ROEBUCK said, he thought that "offence" was too large a term. Anything was an offence, even the infraction of a Road Act.

Mr. PULLER suggested that the disqualification should be a conviction for felony, for any offence punishable by transportation or penal servitude, or for keeping a disorderly house.

The CHANCELLOR of the EXCHEQUER said, he thought the objection taken by the hon. Member for Sheffield was a good one. There might be offences which did not really imply criminality.

Mr. HUNT would extend his Amendment, so that the disqualification should apply to the case of persons convicted of any offences punishable by imprisonment.

The CHANCELLOR of the EXCHEQUER suggested a further addition—"coupled with hard labour."

Mr. AYRTON thought the words should be "convicted of an offence which, in the

opinion of the justices, ought to disqualify him from holding a licence."

THE SOLICITOR GENERAL suggested that the word should be "a misdemeanour punishable by fine or imprisonment."

MR. EDWIN JAMES said, it was a misdemeanour punishable by fine or imprisonment for a person to sleep in the open air when he had no house to be in. Was that to be a disqualification to last three years?

MR. PEACOCKE said, a subscriber to the fund for Garibaldi's expedition would be punishable by fine or imprisonment, and if the Solicitor General's suggestion were adopted he would be unable to keep a public-house for three years.

MR. HARDY said, he thought that the hon. and learned Solicitor General would, by the substitution of this word, lead to a division where no difference really existed. The offence referred to in the Amendment of the hon. Gentleman (Mr. Hunt) must be a misdemeanour, as it could not be a felony or high treason.

MR. MELLOR said, though he thought the word misdemeanour was not quite applicable to the case, he quite agreed with his learned Friend the Solicitor General that there were many offences, such as offences against the Highway Act, which would not come within the class proposed to exclude a person from taking out the licence.

MR. DIGBY SEYMOUR suggested the words "misdemeanour, or other offence punishable by imprisonment."

Amendment *agreed to.*

MR. ALDERMAN SALOMONS said, he proposed to add, after the word "respects," the words, "And the clerks of the said justices shall be entitled to receive a sum to be fixed by the justices, not exceeding 2*s.* 6*d.* for each licence." The object of his Amendment was to create a fund to reimburse the clerks of the justices for the extra duties they would have to perform.

MR. E. P. BOUVERIE said, the hon. Member for Greenwich ought to have given notice of the Amendment, but as he had not done so it ought to be postponed.

Amendment, by leave, *withdrawn.*

THE CHANCELLOR OF THE EXCHEQUER moved at the end of the clause the insertion of a provision rendering it lawful for the Lord Mayor, aldermen, and justices respectively pending their decision on any objection aforesaid, to transmit to the supervisor before the expiration of thirty days a notice by way of *caveat* against the granting of the licence, and in that case the licence should not be granted if within the further period of thirty days the objection to the granting of the licence should be confirmed by the said Lord Mayor, aldermen, or justices, and notice thereof given to the said supervisor.

MR. E. P. BOUVERIE said, he would suggest that a form of *caveat* should be inserted in a schedule.

Motion *agreed to.*

On Question that the Clause as amended stand part of the Bill,

SIR WILLIAM JOLIFFE said, that in the Metropolitan districts the power which they were now granting to the magistrates would neither benefit the public nor improve the regulation of these houses. The *caveat* would have no beneficial effect whatever. He would prefer to see the clause expunged altogether.

Clause as amended, *agreed to.*

Clause 13. (Notice to be given of Application for Licence to retail Wine to be consumed on the Premises in a House not previously licensed.)'

THE CHANCELLOR OF THE EXCHEQUER said, it was not thought desirable to provide an appeal from the decision on original applications for licences, but with respect to applications for the renewal of licences it was considered advisable to provide appeal. He, therefore, proposed to introduce words giving an appeal with regard to renewals from Petty Sessions to the next General Quarter Sessions, but requiring that notice of objection to such renewal should be given three months before the time of renewal.

LORD LOVAINE suggested that such a proposition would give three months' impunity to persons who improperly conducted their business.

THE CHANCELLOR OF THE EXCHEQUER replied, that as to all positive offences the present law would apply, and it was only fair that some such notice should be given.

MR. HUNT drew attention to the additional expense that would be imposed upon the magistrates to defend their decision.

MR. AYRTON observed that possibly the offence which made a renewal objectionable might occur within three months of the expiration of the licence.

THE CHANCELLOR OF THE EXCHEQUER admitted that might happen, but the only alternative would be to deprive persons of the power of continuing their business during the pendency of the appeal, which would not be just.

Clause, as amended, *agreed to.*

MR. P. W. MARTIN moved the following clause—

"That from and after the passing of this Act there shall be repealed the 12th Clause of an Act passed in the twenty-fourth year of the reign of his late Majesty King *Geo. II., c.* 40, and commonly called the Tippling Act."

His object was to prevent persons who bought a bottle or two of wine or spirits at a time of an innkeeper instead of a wine merchant, on credit, to be consumed in their own private houses or lodgings, from afterwards pleading the Tippling Act. The peculiarity was that this was not done by the persons described in the preamble of the Act of George II. as of the "poorer and baser sort," but persons in a class of life who ought to have known better.

MR. HARDY said, he objected to the hon. Gentleman's proposition, because the clause in question had been found most useful in its operation, for it had prevented publicans from imposing on poor men who, sitting in their houses till a late hour, at last got into such a state of intoxication that they really could not remember what they had had, and were therefore unable to swear that they had not had the quantity of drink for which in many cases they would, but for the operation of this clause, be sued. But also if the clause were repealed it would tend to increase drunkenness, for publicans, knowing that they could not recover for small quantities of drink supplied in such a manner, refused to give credit, and so the amount of drink consumed was limited.

THE CHANCELLOR OF THE EXCHEQUER said, he considered the clause not applicable to the Bill, the object of which was the sale of wine. He hoped the clause would not be pressed.

MR. AYRTON said, he trusted the Tippling Act would not be repealed under any circumstances.

Clause, by leave, *withdrawn.*

MR. JOHN LOCKE said, he would then propose the following clause:—

"That from and after the passing of this Act, sec. 7 of 5 & 6 *Will.* IV., c. 39, shall be and the same is hereby repealed."

His object was to place persons who sold spirits and beer in theatres on the same footing with licensed victuallers, over whom they had now an advantage with regard to the mode of obtaining a licence.

THE CHAIRMAN said, the proposed Amendment referred to matters not touched upon by the present Bill, and therefore it would be improper to add such a clause to it.

MR. AYRTON said, he hoped the hon. and learned Member would be able to introduce his Amendment in the Bill in another shape, as the practice he proposed to deal with was a great scandal and disgrace.

MR. HUME moved, That the Chairman report progress.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the hon. Gentleman would not persist in his Motion. He had several clauses to propose, which, if introduced, would make the Bill complete, and enable hon. Members to judge of it as a whole, and it was of importance that that should be done now.

LORD FERMOY said, the proposal of the hon. and learned Member for Southwark (Mr. Locke) was believed by many to be of great importance. He, therefore, hoped it would be understood that an opportunity would be given for its discussion on the Report.

THE CHANCELLOR OF THE EXCHEQUER said, there would be no difficulty upon that point.

MR. HARDY said, he hoped that the Motion for reporting progress would be withdrawn, so that they might have the Bill printed in a complete form.

MR. HUME said, he would withdraw his Motion for reporting progress, on the understanding that the Bill should be recommitted with the new clauses in it.

Motion, by leave, *withdrawn.*

THE CHAIRMAN said, the hon. and learned Member for Southwark (Mr. Locke) would be in order in moving his clause respecting theatres on the Report.

THE CHANCELLOR OF THE EXCHEQUER moved a clause to the effect that a wine licence should be forfeited on a second conviction within two years.

Clause *agreed to.*

On the Schedule,

MR. AYRTON said, he would propose to insert in the licence that the main and chief business carried on should be the sale of food. Unless some such condition were expressed the sale of a few biscuits would entitle a person to a wine licence.

THE CHANCELLOR OF THE EXCHEQUER could not agree to the proposal. He did not think it desirable to make the Excise the judges whether eating was the main and chief business of the house. The Justices, too, would not look to the licence, but to the Act of Parliament. The form

of licence for a refreshment-house was, after some further conversation, agreed to, as was also that for the sale of wine to be consumed on the premises.

Mr. WARNER said, he thought the objection raised by the hon. Member for the Tower Hamlets was valid. The law would be evaded if the words were not inserted.

Mr. SOTHERON ESTCOURT suggested that the sale of wine under this licence should be placed under the same restriction as to hours as that for the sale of wine to be consumed on the premises.

Sir MORTON PETO approved of the suggestion.

Mr. AYRTON thought it would be better for the Government to bring in a comprehensive measure to regulate the new system of morality that was to be established under this Bill.

Mr. ROEBUCK said, he hoped that the Chancellor of the Exchequer would shut up the houses of the licensed victuallers at the same time as the winehouses.

The CHANCELLOR OF THE EXCHEQUER admitted that there was some force in the observation of the hon. Member for Sheffield. They could not, however, insert anything in a schedule which they had not enacted in the clauses of the Bill.

Schedule *agreed to.*

House resumed.

Bill *reported;* as amended, to be considered on *Monday* next.

ROMAN CATHOLIC CHARITIES BILL.
COMMITTEE.

Order for Committee read.

Mr. BOWYER said, he would move that this Bill be committed *pro formâ*, in order that certain additional clauses which had been proposed by the Attorney General on the part of the Government might be printed. He stated that the measure was simply a conveyancing Bill, and involved no important principle.

House in Committee.

Mr. NEWDEGATE said, he hoped that as this Bill involved a number of serious considerations, and the repeal of many Acts, the Government would give an opportunity for its full consideration.

Mr. BOWYER observed, that it was merely a conveyancing Bill to remedy certain defects of title in Roman Catholic trusts. He would suggest its reconsideration that day week. It involved no principle.

Mr. NEWDEGATE said, he must object to that course, as it would be calculated to postpone the discussion of the Bill, and pass it without any.

Viscount PALMERSTON said, the Bill was the Bill of the hon. Member for Dundalk, and he would fix the day for the consideration of the Bill in Committee.

Amendments *inserted.*

Bill *reported; re-committed* for *Thursday* next.

The House resumed.

INNKEEPERS' LIABILITY BILL.
COMMITTEE.

Order for Committee read.

House in Committee.

Sir FRANCIS GOLDSMID said, he should oppose the Bill. The law as it stood was now clear, but the proposed Bill would only superinduce confusion. It proposed to limit the liability of innkeepers with respect to goods deposited with them by guests to £40. He moved that the Chairman report progress.

Mr. EDWIN JAMES said, at present innkeepers were subject to great injustice, who were compelled to receive guests at any hour; and, whatever property they might bring with them, the innkeeper was liable to the full amount. He thought his liability should be reduced to a reasonable amount.

Colonel SMYTHE said, he should support the Bill, though he thought £40 too high a sum.

Viscount PALMERSTON said, he hoped the Chairman would be allowed to report progress.

Sir FRANCIS GOLDSMID said, he had several Amendments to propose.

Mr. WHITESIDE observed, that the hon. Baronet ought to have given notice of his Amendments.

The House resumed.

Committee report Progress; to sit again on *Friday* next.

House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Friday, May 21, 1860.

Minutes.] *Sat First in Parliament.*—The Lord Silchester, after the Death of his Brother.
Took the Oath.—Several Lords.

Minutes.] Public Bills.—1ª Prevention of Cruelty to Animals; Malicious Injuries to Property Act Amendment; Consolidated Fund (£9,500,000).
3ª Common Lodging Houses (Ireland).

THE EXPEDITION TO CHINA.

QUESTION.

EARL GREY wished, before the business of the evening commenced, to put some questions to the noble Earl (Earl Granville), of which he had given him notice. He wanted to know—first, whether or not the expedition sent to China would be at the charge of the British Government from the date of embarkation; next, whether the English regiments sent to China would be entitled to Indian pay and allowances while serving in China with troops from India; and, thirdly, whether any provision had been made for placing the expenses of the Indian regiments and the extra pay of British regiments serving in China in any Estimate laid before Parliament.

EARL GRANVILLE was understood to say that the British regiments serving in China would be entitled to Indian pay and allowances, and that no such Estimate as the noble Earl had referred to had been as yet laid before Parliament.

PAPER DUTY REPEAL BILL.

SECOND READING.

Order of the Day for the Second Reading read,

EARL GRANVILLE: My Lords, I rise to move the second reading of a Bill the object of which is to repeal a tax which has now existed for nearly 150 years. That tax, as stated in the preamble of the first Act, was imposed for the purpose of enabling Her Majesty Queen Anne to carry on the war then raging, and it was to continue until she had secured a lasting peace. Contemporary writers, however, inform us that the real object of the Bill was, in conjunction with other taxes that were levied at the same time, to impose restrictions on the press, which was at that time thought too licentious. It is curious that Swift, the great Tory writer and the friend of the Ministry then in power, complained of this proceeding both in verse and in prose. In verse, in some lines, describing himself, he said,—

> "His works are hawked in every street,
> But seldom rise above one sheet;
> Of late, indeed, the paper-stamp
> Did very much his genius cramp."

In prose, in his history of the last four years of Queen's Anne's reign, there is a passage, which is too long to read to your Lordships, but which is well worthy of attention, arguing, upon Conservative grounds, against the expediency of throwing any difficulty in the way of cheap publications of a political character. The tax, however, with some modifications, has continued to our time. In 1832 an agitation was begun against it. In 1835 a Royal Commission, of which Sir Henry Parnell was at the head, was appointed to examine into the effects of this tax among others. They reported in favour of some modifications, and also the reduction of the duty by one-half. That reduction accordingly took place, was followed by an enormously increased consumption, and, what is more remarkable, by a diminution in the price of paper to double the amount of the duty repealed. The Commissioners, in their Report, begged it should not be thought that they approved the tax, and they hoped the time would soon come when Parliament would be able to repeal the tax altogether. Motions were then made in the House of Commons on the subject. Two years ago an abstract Resolution was adopted there; and, although in general abstract Resolutions respecting taxation are not very desirable, it was adopted with the full concurrence of the late Government through their representatives in the House of Commons. Her Majesty's present Ministers decided upon the repeal of the tax this Session. They brought forward a proposal to that effect in the House of Commons; it has in different shapes gone through the ordeal of three divisions in the House; and it now comes here for your Lordships' approval. On any ordinary occasion I should have satisfied myself with the short history I have given of this tax, trusting that your Lordships would be glad to take your share, whatever that may be, in the work of relieving the people from a burden of this character. Considering, however, the Notice which has been given by my noble Friend below me (Lord Monteagle), and the energetic assurance given by the noble Earl opposite (the Earl of Derby) that he would not only Vote for but would use all his endeavours in the support of the noble Baron's Motion, I think it necessary to trouble your Lordships at much greater length than I should otherwise have wished on this subject. I must first briefly refer to the objections which are likely to be brought against this Bill. From a Report that I have read of what took place elsewhere on Saturday I have reason to suppose that the noble Earl does not intend to go much into the merits or demerits of this tax. I was quite pre-

pared for this course, because the noble Earl, no doubt, felt that it was impossible to say anything in favour of a tax of which the leading Members of the late Government had expressed themselves in favour of the repeal. Lord Stanley, whose opinions on any question affecting the social state of the country are so liberal and unprejudiced, has long been known as a warm advocate of the repeal of this tax. Sir Bulwer Lytton, equally distinguished as an able public man and man of letters, has been most eloquent in his denunciations of the tax, and to him the country owe the happy and true definition of this impost as a tax upon knowledge. The late Chancellor of the Exchequer, in opposition voted for the repeal of the tax; when in office he stated that it combined moral as well as physical objections, and, as leader of the House, he agreed to the Resolution to which I have just referred, and which declared that paper was not a fit subject of permanent taxation. With regard to the noble Earl himself I am informed by the report of what took place, as well as by a gentleman who was present, that the noble Earl, in answer to a deputation which waited upon him on a previous occasion, declared that he only repeated his former impressions when he stated that this tax was bad in principle and bad in practice. I am not therefore surprised at his determination to refrain now from entering into the merits of the tax; but, as I do not know what view may be taken by other noble Lords on the subject it will be necessary that I should state as shortly as I can what are some of the principal objections to it. There is a phrase used by Lord Stanley which so well describes the operation of the tax that I should almost wish to take it as the text of the objections which may be advanced to it. He stated that the tax was vexatious in collection, that it impeded improvements in manufacture, that it heightened the price of an article, the demand for which already exceeded the supply, and pressed injuriously on the supply of cheap literature and the diffusion of news. As to its being vexatious in collection, I must refer to the Report of the Commissioners of Inland Revenue published on the 1st of March in the present year. I see the noble Baron smile; but I do trust that in this House we shall not hear the insinuations which have been thrown out elsewhere, that this is not the deliberate opinion of the Commissioners, but a Report "got up to order." To prevent the repetition here of a statement so derogatory to the gentlemen of high character who compose the Board of Inland Revenue I will state what I have ascertained on this point. I went to Somerset House for the purpose of making inquiry on the subject, and what I found to be the case was this:—Very soon after the passing of the Resolution agreed to by the late Government the difficulties in the way of collecting the tax daily became greater. Towards the beginning of this year the Board were beset with applications for exemptions to which they were unable to give any answer whatever; and in this dilemma, not knowing whether the Government meant to repeal the tax or not, they appointed some of their most able and practical officers to examine into the question and see whether they could frame any regulations with regard to its collection which might be draughted into a Bill, and which, if approved by Parliament, might enable them to collect the tax with something like justice. Afterwards, when the Government, acting partly on the opinion of the Board of Inland Revenue, and partly from reasons to which I shall presently advert, came to the determination of repealing the tax, a debate took place in the House of Commons, and Mr. Walpole said that, comparing the former Report of the Board with the statement of the Chancellor of the Exchequer, he did not think these were perfectly consistent. Upon this the Commissioners drew up their Report perfectly spontaneously, and without the slightest communication with the Chancellor of the Exchequer or any other Member of the Government. I shall be confirmed that this is as the opinion of the Commissioners by the noble Earl opposite, as he can tell your Lordships that during the time he was in office, letters were constantly received at the Treasury from the Commissioners bearing exactly on the same point. [The Earl of Derby intimated doubt.] If the noble Earl does not know it, I can assure him that it is the fact. I will not read the whole of the Report—I will read only a few sentences. The Commissioners say—

"We beg leave to state that it is our deliberate opinion that the paper duty (to use the words of the Chancellor of the Exchequer) 'is rapidly becoming untenable'; and we hope to satisfy your Lordships that this opinion is not inconsistent with those which we have previously expressed on the subject."

Again, they say—

"In our third Report, however (that of last

year), we were compelled to draw your Lordships' attention to the very great and increasing embarrassments in which we were involved in collecting this tax. We pointed out that this state of things was attributable in a great measure to the condemnation of the duty by a Resolution of the House of Commons, and we might perhaps have added that the evils of which we complained had been accumulating for many years previously under the prevalence of a general impression that the duty on paper would be given up on the very first available opportunity. We endeavoured to show how impossible it was, under these circumstances, to apply to Parliament for power to subject new branches of the trade to excise regulations."

They go on to say—

"And at the same time how unjust it was to allow to one an exemption from this duty and survey, which alone prevented a rival branch from successful competition in the market."

The Commissioners proceed to point out the difficulties with which the collection of the duties is beset, and when it comes to this, that those charged with the administration of the laws are unable to discharge their duty without injustice, which cannot be remedied it is time that the tax should be brought to an end. The whole of the Report is well worthy of your Lordships' attention, as showing the excessive injustice and inequality of the tax, and the necessity to which they were driven to exercise an arbitrary decision, there being no definition of "paper" sufficiently clear. The noble Earl opposite in the course of the answer he made to the deputation that waited on him on Saturday last, stated that he had received intimations of a contrary character from publishers, booksellers, and newspaper proprietors, and stated that he was intrusted with petitions from Irish newspaper proprietors on the subject. I can explain this matter to your Lordships, and the petitions of the Irish newspaper proprietors need not have very great effect on your Lordships' minds. The Irish newspapers only pay three farthings tax, and the English newspapers pay 1*d.* stamp duty; and the Irish newspaper proprietors had been told that if they were relieved from the necessity of buying dear paper, it would be only fair to put them on an equality with the English newspaper proprietors. With respect to the opposition of the manufacturers to the repeal of this tax, we all know what happened on the abolition of the excise duty on glass—how, by the competition that arose, that material was cheapened, and how it increased in quantity and improved in quality; but its immediate effect on the profits of the manufacturers was not favourable, in consequence of the competition which was there-

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encouraged. I know that with regard to the material from which paper may be made, some persons declare that fibre is not applicable to the manufacture of the finer and better sort of paper. Still it is applicable to the manufacture of a paper most useful to the poorer classes of persons. I remember four or five years ago a very interesting discussion being brought on in this House respecting the manufacture of beautiful paper from West Indian fibre; and a complaint was made by the noble Earl (the Earl of Derby) that a charter of limited liability had not been granted to a company for the manufacture of that paper. Now, it appears to me a clumsy proceeding to put a tax on one side, and then to prop it up by some special privilege on the other. There are several very ingenious inventions waiting to come into operation as soon as the excise duty shall be abolished. Pulp may be used for forming models from works of art, some of the finer kinds of which are liable to be hurt by contact with clay or plaster of Paris. This pulp is applicable to any work of art without injury; but it is obliged to be dry before it leaves the paper-maker, and, therefore, until the duty shall be repealed, it would be absolutely impossible to use it for the purpose I have indicated. I have been informed within the last day or two, that a large mill in Lincolnshire, owned by a person named Sharpe, has been built to turn twitch, that most destructive weed to the farmer, into paper; but the tax interferes so much with the process that the owner has been compelled to shut up the mill. If the duty were repealed, the mill would be reopened. And instances of a similar kind are, I am told, very numerous. The duty operates also in a peculiar way in creating a monopoly, owing to the manner in which the payment of the duty is made to press on the mill-owners, in consequence of purchases made from them shortly before the moment when the duty must be paid. When I look abroad and see that in America all the processes of papermaking are infinitely superior to ours, that the paper is made much cheaper, and that the consumption is something like treble of ours per head, then, considering the wealth and enterprise of this country, I think there must be some reason for this. When I advert to France and note the enormous quantities of paper exported from that country, and when I remark that the French paper is superior for printing purposes, the same reflection

forces itself on my mind; and so, when I go in imagination to Japan, or read the interesting book written by Captain Osborn, in reference to that country. Captain Osborn says, in the interesting volume he has recently published :—

"It was wonderful to see the thousand useful as well as ornamental purposes to which paper was applicable in the hands of these industrious and tasteful people. Our papier-maché manufacturers, as well as the Continental ones, should go to Yedo to learn what can be done with paper. We saw it made into material so closely resembling Russian and Morocco leather and pig-skin, that it was very difficult to detect the difference. With the aid of lacker-varnish and skilful painters paper makes excellent trunks, tobacco-bags, cigar-cases, saddles, telescope-cases, the frames of microscopes, and we even saw and used excellent water-proof coats made of simple paper, which did keep out the rain, and were as supple as the best Macintosh. The Japanese use neither silk nor cotton handkerchiefs, towels, or dusters; paper in their hands serves as an excellent substitute. It is soft, thin, tough, of a pale yellow colour, very plentiful and very cheap. The inner walls of many a Japenese apartment are formed of paper, being nothing more than painted screens; their windows are covered with a fine translucent description of the same material ; it enters largely into the manufacture of nearly everything in a Japanese household ; and we saw what seemed balls of twine, which were nothing but long shreds of tough paper rolled up. If a shopkeeper had a parcel to tie up, he would take a strip of paper, roll it quickly between his hands, and use it for the purpose, and it was quite as strong as the ordinary string used at home. In short, without paper all Japan would come to a deadlock ; and, indeed, lest by the arbitrary exercise of his authority a tyrannical husband should stop his wife's paper, the sage Japanese mothers-in-law invariably stipulate, in the marriage settlement, that the bride is to have allowed to her a certain quantity of paper."

I think the fact of a great enterprising nation like ours being, in respect to the manufacture of paper, behind the Americans, the French and the Japanese may, without any great stretch of imagination, be attributed to the effect which we know the Excise laws produce in other matters. I will now come to the last branch of the subject—namely, the effect which the repeal of the duty will probably have upon cheap publications. On this subject some people have the most extraordinary notions, thinking that that repeal is merely advocated to give a greater circulation to a particular newspaper, expressing extreme views, not certainly in accordance with those held by the majority of your Lordships. What is the case? In London there are three cheap daily papers,—*The Morning Star*, a journal of advanced Liberal opinions; *The Daily Telegraph*, also a Liberal paper, but not on all questions at one with *The Morning Star ;* and *The Standard*, a journal of purely Conservative principles. I had the pleasure some three days ago of reading an interesting and well-written article in *The Standard*, attacking the Liberal party in general, and myself in particular. Well, I have here a letter written in 1858 by the manager of *The Standard*, stating that every day he paid £29 to the Excise, and that if the paper duty were repealed he should have £20 for the better remuneration of literary talent and the purchase of better material to print upon, leaving, of course, a larger profit for the proprietors of his journal. He also points out the heavy charge placed upon newspapers like *The Standard* in the obligation to have their sheets of certain sizes dried before they left the paper-mill, and damped again in the printing-office, all causing great waste and delay. He adds that if the paper duty were abolished, he has not the slightest doubt that the circulation of *The Standard* would be doubled in amount. That, surely, is a consummation which noble Lords opposite must earnestly desire to bring about, because it means that with greater literary talent Conservative principles would be spread among double the number of readers. So with respect to books. The paper duty presses very lightly indeed upon popular novels in three volumes, expensively got up annuals, and works of that sort, and costly works — such as Macaulay's or Mahon's *History of England*. But, when we come to books and publications intended for circulation among the poorer classes of the community, we then see the effect of the tax upon paper. Instead of 5 or 10 per cent, as upon the publications purchased by the rich, we have the duty rising to 30, 40, 50, and even 60 per cent upon publications which the working classes desire and ought to obtain. Mr. Black, the eminent publisher of Edinburgh, says that upon one work alone he has paid duty to the amount of £4,000, and he calculates that the tax cost the purchasers of the book at least £8,000—a statement which is, of course, equally applicable to smaller books. Your Lordships know that Mr. Knight has been occupied all his life in endeavouring to spread useful and instructive books at cheap rates among the people. He was the publisher of the *Penny Cyclopædia*, a work brought out under the patronage of a noble and learned Lord who is at this moment engaged

in the cause of education—a cause which he has served during a long and laborious life—and whose absence I regret to-night, because I know he entertains a strong opinion as to the necessity of the immediate abolition of the paper duty and an equally strong objection to the course which is proposed to be taken by this House to-night. What does Mr. Knight say? He states that in twenty years he spent £80,000 on authorship, and £50,000 on Excise. The Messrs. Chambers say they have been constantly prevented issuing cheap publications of an improving character in consequence of the paper duty. They once published a series of instructive tracts sold at three halfpence per copy. The sale was enormous, but after a certain time they found, on making up their books, that they had paid £5,000 to the Excise without getting a single farthing in the way of profit to themselves, and therefore, in the middle of an immense circulation, they stopped the publication. I could go on thus for ever. Here is a bulky pamphlet full of details, in which Mr. Knight proves to demonstration that, while the tax on paper falls with crushing effect upon cheap publications of an instructive character, it does nothing whatever to stop licentious and obscene books, which are got up for a mere trifle. But let me come to a class of books which greatly interest me—the National School books. The duty upon them is quite enormous, and while these school books, on one side, are paying a heavy tax, I, in my office, on the other, am administering Government grants to counteract that effect. It is impossible to conceive a more ridiculous system. I have been given to understand that the son of the noble Marquess opposite is prepared to advocate a relaxation of the duty as regards school books; but the noble Marquess will agree with me that while we should be glad to see school books cheapened, and they have a better right to be exempted from duty, than books in the northern languages, which are now so by law, it would not be advisable to add to the list of exemptions by which the law is already broken down, or to the difficulties of the book last issued by the Privy Council. I am afraid I am wearying your Lordships, but you can hardly imagine the immense mass of materials I have before me all tending to the same point—the condemnation of this most vexatious and unjust tax. But I shall spare your Lordships, and shall assume that the main objection to the repeal of the paper duty is one of a financial character. Some of your Lordships may think that we ought to have reduced the tea and sugar duties instead of repealing the duty on paper. That is a matter of opinion which it is perfectly competent and perfectly fair for any noble Lord to express. All I can say is, that after mature consideration the Government came to the conclusion that the repeal of the paper duty would afford the greatest amount of relief to the trade and industry of the country. I must add that they were peculiarly urged to that conclusion by the Report of the Excise Commissioners, stating that the tax was untenable in its present shape and that it could not be improved. Again, some of your Lordships may be of opinion that we ought to have taken a less income tax and to have retained the paper duty. That question was started in the other House of Parliament, it was discussed there at considerable length, and decided in the negative; therefore I need not trouble your Lordships with any remarks upon it. I am not aware that there can be any other financial objection to our proposal except this, that the Government have been improvident in arranging for the financial necessities of the year; which must mean either that we were improvident at the time our Budget was produced, or that the circumstances which have since occurred have stamped that character upon our propositions. Now, I am not going to make a long financial statement to your Lordships. There has never yet been a case of that kind recorded to have taken place in this House, though from the precedent proposed to be set to-night, I am not sure that it will not become the custom to trouble you with elaborate financial expositions. In that case I trust that a Vice-Chancellor of the Exchequer will be appointed for the purpose of supplying you with that information which must be requisite to enable your Lordships to adjust the balance between income and expenditure. Meanwhile, as that course has not yet been adopted, I feel myself entirely relieved from the obligation of inflicting upon your Lordships the intolerable tedium of a Budget speech from my mouth, and shall content myself with merely stating the general principles upon which the Government have acted in dealing with the finances for the year—a year, be it remembered, so difficult that I believe it was looked forward to by the late Government under the awful designation of "the year

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of immortal smash." Well, my Lords, this year of immortal smash presents, at all events, one remarkable peculiarity. Our Naval and Military Estimates are larger than has ever before been known in a time of peace. To provide for that vast outlay the Government were not content to frame a plan which should only just make the two ends meet, but they proposed, while raising an adequate revenue, to continue those commercial reforms and improvements which not only have conferred enormous benefits upon the nation at large, but which have produced a peculiar and extraordinary strength and elasticity in our revenue, especially in our indirect taxation. I do not know what your Lordships can see improvident in our Budget arrangements. The only possible objection to our financial policy in this respect must be connected with the question which has already been put to me this afternoon — the probable expense of the Chinese war. Now, when we made our Budget arrangements, we did not know whether we should have war with China or not. [Earl GREY : Hear, hear!] The noble Lord gives a most insulting cheer upon a matter of fact; but it is a fact that up to ten minutes ago the Government have continued to be—and necessarily so—ignorant whether there was war or peace. We had given orders for the fitting out of an expedition; but we did not know whether that expedition would end in a warlike or an amicable way—a question, indeed, which I could answer ten minutes ago from private information only. The noble Earl's cheer, therefore, was quite uncalled for. No doubt an expedition was ordered to be prepared, and some of your Lordships seem to think that we did not provide for the expense of that expedition. That was not the case. Last year there was taken a Vote of credit for £850,000—a Vote of credit only applicable when all supplies in connection with the ordinary service is exhausted—and this year a similar Vote of £500,000 was put in the Estimates. In addition to this, the Army Estimates include, for the purposes of the Chinese expedition, a sum of £454,000, and the Navy Estimates a sum of £680,000, forming altogether, as nearly as possible, a sum of £2,500,000, provided for that expedition. Do your Lordships think that it would have been wise to make an enormous provision on that account? We have generally been accustomed to do too much in that direction. What was the case in the Crimean war? That we so much exceeded what was necessary for the purposes of the war that we ended by paying back £1,600,000 into the Exchequer. If there is any one principle in finance which appears to me to be sound and indisputable, it is that you should either have a war Budget or a peace Budget. If you have a war Budget, everything is exceptional; but if you have a peace Budget, it should be founded upon peace principles, to this extent—if there is any danger, if there is any cloud upon the horizon, it rests with the responsible Government to provide those armaments, those numbers of men on land and at sea, and those stores which may, in their opinion, be necessary to provide against contingencies, and also to provide for the raising of the sums of money required to meet the expenditure occasioned by such preparations; but if you go beyond that, and take large and undefined sums for large and indefinite contingencies, you act contrary to sound principles, and you become liable to this great practical inconvenience — that if, fortunately, you should be disappointed in your fears, you have a sum of one, two, three, or four millions, whichever it may be, which, according to the spirit of the law, should, at the end of the year, be applied to the reduction of the National Debt. Now, I ask your Lordships whether it would have been wise at the beginning of the year, when you were asking for an enormous revenue of an almost unprecedented character, to burden the people with additional taxes, the product of which might possibly be applied merely to the discharge of debt? My Lords, I am aware of no other charge of improvidence which can be made against the original Budget; but it may be said that since its publication circumstances have altered. I know of one circumstance, which I will mention, and which tells against me in this argument; other matters have been referred to as to which we were informed at the time the Budget was framed, and which were amply provided for. There was the question of the national defences. A Commission had been appointed to inquire what was necessary to be done to defend our principal arsenals. We knew of the Report of that Commission when the Budget was framed; we know of it now, and I am happy to say that we have at last got all the collateral information which will enable Her Majesty's Government to come to a decision upon it. Well, one of these things will happen—

either we shall reject that Report, and the finances will be completely untouched, except as regards the large and unusual sum taken for current purposes of fortification; or we shall adopt it in one of two ways. If we adopt it and come upon the current revenue to provide the means necessary for carrying it out, it is clear that it will require a greater provision than the £800,000 included in the Estimates, or than the £1,500,000 which the noble Earl stated to the deputation the other day was the amount of revenue which he was going to save the country—and really when the noble Earl undertakes to teach the Government their duty, in finance it is no light matter to state Estimates at half a million more than their actual amount. If, on the other hand, we determine to adopt the Report, and to borrow money for the purpose of carrying out its recommendations, then the large Vote for fortifications which is already before the House of Commons is sufficient, at any rate, to pay the proportion which will be required during the present year. Since the month of February the question of the China war has remained in the same position in which it then stood, and until this afternoon we could not tell whether there would be peace or war; nay, we now know nothing more, except that, from the tenor of a private telegram, there is reason to fear that hostilities are likely to take place. We cannot, however, tell whether the war will be short and successful, and therefore rather a benefit to the finances of next year than otherwise, in consequence of an indemnity to be obtained from China; or whether it will be prolonged over next year, and, therefore, require a Budget for war. I am now going to state a circumstance which I feel tells against me. The estimated surplus amounted to £460,000. Owing to there being an error in the calculations of one of the departments of the revenue amounting to £230,000, and to the abandonment of taxes to the amount of £180,000, that surplus is very nearly gone. [Earl GREY: Hear, hear!] I am glad to hear my noble Friend cheer in a more cheerful manner this time; but has my noble Friend any reason to suppose that it is a perfectly unusual circumstance that during the passage of a Budget through the Houses of Parliament the surplus should disappear? I think that if he will refer to the records of our proceedings he will find a great many instances in which that has occurred without the Government thinking it necessary to modify their financial proposals in consequence. I will give an instance. In the year 1853 the estimated surplus, and more than the estimated surplus, utterly disappeared before the financial measures were passed through this House. I remember that two noble Earls opposite in the strongest language the remission of the soap duties. They pointed to the probability of our becoming engaged in war with Russia, and said that under such circumstances they could not allow such a Bill to pass. But they did allow it to pass, and partly upon my representation. I begged them not to alarm the country, not to disturb the trade of the country, but to leave the responsibility where it ought to fall, until you turn out the Ministry, upon Her Majesty's Executive Government. And what was the result? Why, at the end of that very year you had a surplus of £3,500,000. And will any one tell me that when the Russian war did arrive, and two successive Governments had to appeal to the people of this country, they found them less able or less willing to give the lavish supplies which were asked of them, because the year before we had remitted taxes which pressed upon the trade and commerce of the country? My Lords, I do not know whether or not my noble Friend will cheer what I am going to say, but I am authorized by those most competent to form an opinion to state that looking at the principles upon which the estimates of revenue and expenditure for the year have been prepared, looking at the fact that on the 31st of March of this year there was a surplus of £1,250,000 which was not taken into account in the financial statement of February, and looking at the fact that the balances are now £2,000,000 higher than they were at the same period of last year, although at the end of that year there was a surplus of £1,250,000 — taking all these circumstances into consideration, they see no danger of any deficiency in the revenue of the present year. I now come to the question of the prospective deficiency. In very quiet times there is no great objection—although it is a new system, and one which sprung up with the income tax—to making prospective arrangements; but when you have to deal with very uncertain circumstances, the adoption of such a course is utterly impossible. The noble Earl, in that speech to which I have already alluded, said that if Her Majesty's Government could show that there would not be a deficiency of

£2,000,000 next year he would not vote for the Motion of my noble Friend. I am afraid that I have no chance of obtaining his vote, because I utterly decline to make any estimate for next year. There would be no safety in doing so. No doubt if you compare the two years, allowing for the loss of taxation by the expiration of laws, what with the arrears of the malt and hop duty and other fallings off, there will be a deficiency of £2,000,000 ; but if you take the normal increase of revenue, and add to that the increase which has always arisen upon any large remission of taxation, though I make no estimate of what that may be, yet past experience shows that it is impossible to put it at less than £1,000,000, and when you add to that the £250,000 saved by the falling in of the Long Annuities, your deficiency, without going into any other calculation, instead of being £2,000,000, will be reduced to something like £750,000. I saw it stated in a leading article of the *The Times* the other day, that my noble Friend the noble Baron (Lord Monteagle) is the pivot upon which the British Constitution turns. I was not aware of the fact before, and I venture to think, for reasons which I will state, that he is not even the pivot upon which this question turns. My noble Friend is well acquainted with financial subjects. Formerly a Chancellor of the Exchequer himself, he has great knowledge and great love of finance, and has been in the habit of bringing his views upon it before your Lordships, as it was natural that he should do ; but with regard to the conduct of this House, as a House, my noble Friend is nothing more than any other able and distinguished individual among your Lordships who sometimes takes part in your debates. He has no pretensions to lead a great party ; he can only attract those whom his reasoning, his arguments, and his eloquence convince. With respect to the noble Earl opposite (the Earl of Derby) the case is entirely different. I was surprised that, in addressing the deputation to which I have so often referred, he seemed to dwell upon a distinction which he supposed to arise from the Motion for the rejection of this Bill being made, not by himself, but by the noble Baron. Why, surely this is not a question so insignificant that the noble Earl was waiting to see whether or not some independent Member of your Lordships' House took it up. He must have had in his own mind clear views as to whether it was of sufficient importance for him to undertake it himself, or whether he should leave it entirely loose. Well, my Lords, I have the greatest possible admiration for the ability, the character, and the position of the noble Earl ; I am not sure that I have not almost been wanting in good taste in too often alluding to the admiration which I have felt for those qualities ; but that feeling is not without exception. I have the greatest respect for his gifts and attainments, but there is one gift which he does not possess. That one gift is the gift of prophecy, which no human being will say he possesses. He has indulged in prophecies with regard to trade, navigation, and always without success, and in every question of finance his predictions have been signally unlucky. I have alluded to the alarm he expressed with respect to the remission of the soap duties. In the same year another question arose. My right hon. Friend (Mr. Gladstone) has been incessantly taunted with the mistake he made as to the amount which the succession duty would produce. He intimated that it would produce more than it has actually done. He has satisfactorily explained the cause of this in the other House this year. My right hon. Friend was not alone in his expectations of a large return from the succession tax, because the noble Earl himself proved by figures and details that that impost would extract from the pockets of the unfortunate landowners a sum of £4,000,000 sterling per annum, or quadruple the amount which it has actually yielded. In his speech on the Customs Duties Bill, on the 22nd of June, 1846, the noble Earl said—

"I am about to deal with this measure chiefly on the score of revenue; for I beg your Lordships to observe that you have at this moment a calculation of only a very small surplus revenue, even with things as they are, for the service of the current year ; and if the calculations respecting the revenue which I have made are accurate (and I have taken every pains they should be so), those who are in office this time twelve months, whoever they may be, will be in great danger of experiencing a deficiency in the revenue. Yet, my Lords, it is under these circumstances that the Government think it wise and politic to introduce a Bill for the purpose of reducing or repealing the duties on numerous most important articles. I am aware that a certain increase in the consumption will make up part of the loss, but that there will be a serious defalcation of revenue arising from the reductions proposed by this Bill will readily be admitted on the part of Government themselves."—[3 *Hansard*, lxxxvii. 788.]

That was spoken by the noble Earl opposite in 1846; and what is the answer to be given to it? On the 22nd of February,

the following year, the then Chancellor of the Exchequer said—

"The right hon. Gentleman who preceded me in office made his financial statement on the 9th of May last year. He stated that he anticipated a surplus from the ordinary revenue of £76,000, and from extraordinary sources—namely, money from China, of £700,000, making a total of £776,000. By subsequent legislation foreign sugar was made admissible into this country, and in nine months, from April to December, the duty paid on the foreign sugar imported amounted to £304,000. That, of course, is an item which the right hon. Gentleman could not calculate upon when he made his financial statement, but adding the sum derived from the sugar duties to that which the right hon. Gentleman anticipated, it would give a surplus of only about a million of money. If, however, hon. Gentlemen will refer to the balance-sheet of the 5th of January, they will find that the produce of the revenue far exceeds that calculation, for the surplus amounts to £2,846,000. The progress of the revenue since the 5th of January has exceeded again, beyond all expectation, the produce of the corresponding quarter, and I think the probability is that I should be fully justified in stating that when the period comes to which the calculations of the right hon. Gentleman referred his calculations will be still more exceeded, and that the surplus of the 5th of April will be even still more considerable than that which I have stated as the surplus on the 5th of January."—[3 *Hansard*, xc. 321.]

I say, then, that the noble Earl, when he comes forward as the head of the great Conservative party, and proposes to support with all his influence the Motion of the noble Baron, by which this House will in effect take upon itself the financial duties that properly belong to the Executive Government and the House of Commons, surely ought to show that he has some fitness for the task. The same noble Earl, I find, stated to the deputation—

"We know nothing with regard to the question of any substitute at all. I was not aware that this repeal was taken as a substitute for any tax which was imposed. It is part of the general financial statement made by the Government, but I have never seen in any quarter, and certainly not before the House of Lords, any proposal of an alternative tax."

My Lords, it seems perfectly incredible that the noble Earl, taking these duties upon himself, does not appear to have read the debates of the House of Commons upon those matters of finance which we are to correct, and should not even be informed by his political Friends in that House that Motions were made there by Conservative Members and supported by all the Conservative leaders, but which were rejected after long debate by a decisive division. I now come to a more extraordinary statement of the noble Earl. He is reported to have assigned, as a reason for not giving up the paper duty, that it is not a declining but an increasing tax. I should really like to have an explanation from the noble Earl on this point. Does he not know that every Excise duty which has been repealed of late years was an increasing, not a declining duty? Or does he mean to say that the course we have taken in all these cases, which has, I think, been so fruitful of benefit to the country, was a wrong course, and one that ought not to be followed by any further remissions of the same kind? In his address to the deputation the noble Earl said—

"But you must allow me to recall to your recollection that when in 1858 or 1859 (I forget which it was), I made use of the expressions to which reference has been made by Mr. Serjeant Parry, and when Mr. Disraeli in the same year, as Chancellor of the Exchequer, assented to a Resolution of the House of Commons, stating that this was, in point of principle, an objectionable tax, we, at the same time, objected to a further Resolution which was proposed to be added to it—namely, that the financial arrangements of the country should be made in such a manner as to enable that tax to be forthwith taken off, or some words similar to those, and that that was a year in which, having considerable means at our disposal, we preferred reducing the income tax, and we preferred reducing the tea and sugar duties. We thought that the reduction of those two taxes was more important than the taking off of the paper duties, and we gave the preference to those two, and under those circumstances declined to take off the paper duties."

Now, *Hansard* is a book often consulted by your Lordships, and we have many copies of it in our library; and if we resort to that authority we shall find that in that year Mr. Disraeli, the Chancellor of the Exchequer of the noble Earl's Government, made a long financial statement, the pith of which was shortly this—that instead of having a large surplus the Government had a deficiency, and a deficiency of how much? Why, of £4,000,000; and instead of reducing the tea and sugar duties, they borrowed a sum of money in order to meet that large deficiency; they repealed certain Acts of Parliament entailing on them the obligation of their repaying the other sums; and they also raised the duties on Irish spirits, on cheques, and stamps; the whole yielding them at the most an estimated surplus not so great as that which the noble Earl thinks so small when it figures in Mr. Gladstone's Budget. After that, I think the noble Earl is really out of court in advising your Lordships to take a safe and prudent step in the financial matters of the country. I believe there are on this side of the House noble Lords emi-

nently fitted to deal with financial questions, and no doubt there are noble Lords opposite who possess the same qualifications, although I am not so well acquainted with them. But there must be others who have come up to-day from the extreme end of the kingdom, and who are too attached to hunting, literature, and other pursuits that are best carried on in the country, to attempt to master the principles or the details of finance; these noble Lords, knowing the vast information and experience of the noble Earl opposite upon all other matters, may think it perfectly safe on this occasion to put their consciences in his hands. But if the noble Earl's prophecies, as nobody will deny, have always failed—if his knowledge of finance is of the most limited description—if, indeed, that subject is so repugnant to his capacious and well-stored mind that he cannot for two consecutive years remember, but, on the contrary, jumbles and confuses together all the facts and figures of his own department as Prime Minister and First Lord of the Treasury, then I think he places noble Lords on his own side in a difficult and even false position in respect to how they are to vote to-night. My Lords, I believe the Amendment of which notice has been given is not in accordance with the spirit of the constitution; nor do I think it consistent with the dictates either of justice or wisdom. I shall very briefly state the grounds of my opinion why it is not in accordance with the spirit of the constitution. The greatest of our debates since I have had the honour of sitting in this House was one in which a noble and learned Lord (Lord Lyndhurst), whom we all rejoice to see as strong and vigorous now as then, took a leading part in advising your Lordships as to the course you should adopt. That noble and learned Lord then laid down the principles of constitutional law, and those principles were sanctioned by this House. I of course allude to the discussion on the question of life peerages. He told us it was of no use going back to ancient precedents—it was of no use telling us that Coke and Blackstone and other learned authors laid down the law of the subject in the most distinct manner. They were of no authority. We must come to the usage and practice of the Constitution since it has been defined and settled in its best days—namely, from the date of the Revolution downwards. Well, this House adopted that reasoning. It is unnecessary, therefore, now to quote any learned writers. I myself rather regret this, because the other day I took occasion to read Blackstone, Hatsell, and Hallam, for the law on this subject. I did not find anything that really applied exactly to the case. I found they all admit the real technical power of rejecting a money Bill. I found they go further, and speak of the unreasonable extent to which the jealousy of the House of Commons was carried in respect to small and trifling alterations. This showed more than any rule the usage and custom of the House of Commons. They also give as a reasonable ground of jealousy on the part of the House of Commons that this House could not originate a tax or indirectly charge the people of this country. I myself, not being learned, cannot give an opinion upon these matters; but it seems to me that if your Lordships cannot alter the law so as to make the most trifling charge upon the people, it cannot be said that by rejecting a Bill for the remission of taxation you do not practically charge the people. I know there may be a technical difficulty, but as to the spirit of the thing, I conceive, if you adopt the noble Lord's advice to-night, you will to all intents and purposes impose a burden on the people. The legal technical right of rejecting I do not deny. The very preamble of the Bill shows it. The question being put four times to your Lordships' House shows it. Legally and technically the Crown may reject a Bill passed by the other two branches of the Legislature. That, to a certain degree, is guarded by the responsibility of the Ministers. The Crown undoubtedly has the technical right and prerogative to create 100 Peers to coerce this House; but for the Crown to exercise that right would be a gross and flagrant violation of the Constitution. The House of Commons has, I should also say, by the power of stopping the Supplies, a right to coerce both this House and the Crown; but in all these instances the power is tempered by constitutional usage, it is tempered by prudence. In every one of these instances, not excepting that under consideration, it has been tempered by usage and custom. The noble Baron, I know, will produce certain meagre precedents with regard to the rejection of Bills certainly affecting taxation and trade of one kind or another; but are these at all similar to what he proposes to-day? He proposes now, on mere fiscal grounds, as I understand, to reject a Bill repealing taxation, which Bill formed part of the finan-

cial scheme submitted by the officers of the Crown; and therefore with the consent of the Crown, to the House of Commons, and adopted by that House. I say, I know of no precedent for the rejection by this House of a Bill remitting taxation, or even revising taxation, which formed part of a whole financial scheme so approved and recommended. If the noble Baron can produce such a precedent, I hope he will do so. My Lords, even if I were to grant, for the sake of argument, that the noble Baron is not only technically and legally right, but that in proposing such an unusual course to your Lordships he is within the pale of the Constitution, I ask, is the course he proposes a just one? Is it just to the people of the country when a remission of burdens affecting trade and industry is proposed by the Government and assented to by the House of Commons—is it just to the people after the remission and imposition of taxation have been balanced, that your Lordships should reject one portion of it, so as to saddle them with additional taxation? I think it the most unfortunate course your Lordships could adopt. I had a letter from a very intelligent tradesman of the town of Carmarthen, who stated that the tax on the paper he consumed would more than enable him to pay his income tax. He was well satisfied with the Budget, and hoped by his savings to be able to drink a little cheap French wine, but he was now to be exposed to a double tax. I will tell you another set of individuals to whom the conduct recommended by the noble Earl is unjust—I mean the Board of Inland Revenue. Is it fair to gentlemen whom you clothe not only with administrative but with judicial attributes, and on whom the whole *onus* of the collection of taxes depends, is it fair to impose on them the administration of a law which they tell you they cannot suggest any means of amending, but which if carried out must be unjust and unequal to a large portion of the taxpayers? I say it is not just. Then, is it wise in your Lordships, of all branches of the Legislature—admitting the constitutional right, is it wise of your Lordships to set the example of stretching your constitutional right to the utmost? Is it wise to take the people by surprise as much as you have taken them? You have taken them by surprise, but—perhaps that comes more under the head of justice than of wisdom—is it fair to persons in every branch of the paper and publishing trade, who in the usual course of proceeding have embarked in contracts on the faith of this measure having passed the House of Commons, and who will lose not hundreds but thousands by the purchase of steam engines and land on which to extend their factories, as well as in numerous contracts both at home and abroad? My Lords, I think the injustice to these men will be great indeed. Then, with respect to any real public objects proposed by the noble Baron, in the consolidation of the finances for the present or the future, is this a wise proceeding? The principle has always been to limit to the smallest possible space the inconvenience arising from any change in our system of taxation affecting the commercial and industrial world. As soon as the House of Commons have declared their opinion in favour of the remission of any Customs duty it ceases at once; and your Lordships in agreeing with the noble Lord will now be disturbing all confidence in the decisions of the House of Commons, and it will be impossible for the Government to propose the most beneficent improvements in taxation, without our whole merchants, manufacturers, and tradesmen being kept in a state of anxiety and suspense two or three months longer than they might otherwise have been. With regard to revenue, is it perfectly wise to put yourselves in opposition to the House of Commons? I sincerely hope the House of Commons will show the utmost moderation and temper with regard to the interests of everybody in view of any decision to which your Lordships may come to-night; but is it perfectly wise to take an unusual and exceptional course, and to trust entirely to the moderation and temper of the Commons that no evil results shall arise? The House of Commons will be placed in a great difficulty, and to this I would call the special attention of the noble Earl opposite. You by this act to-night certainly take an unusual course; and if there was anything wanted to make this more unpalatable to the House of Commons, I think you have it in the speech of the noble Earl to the deputation upon this subject. The noble Earl talks of permanent taxation, and he says:—

"When you state that refusing the repeal of a duty is equivalent to the imposition of a new tax, and when, further, I think I caught the expression in the address of a loose practice having prevailed of passing duties for a term of years, definite or indefinite, I must protest, in the first place, against that being termed a loose practice which has been brought in, because it is a practice

which, if it were disregarded, would destroy the very essence of our constitution."

["Hear, hear."] That the noble Earl should cheer that observation I can understand, but that any other Member of the House should cheer it utterly takes me by surprise. [*A laugh.*] This is no laughing matter. The noble Earl goes on to state:—

"There are certain great departments to be maintained, certain great services to be performed, which it is absolutely essential should not depend upon the annual vote of Parliament, and which the Lords and Commons, feeling together that they ought not so to depend, have placed out of their own power and have passed permanent Acts for supplying the means of defraying the expenses of those departments, and have also provided that the appropriation to those departments should not be interfered with by annual vote."

What does that mean? Does it mean that you are to take away the right of the Commons to stop the supplies. ["No, no."] What else does it mean? If it be the duty of the House of Commons to keep permanent taxation for the purpose of keeping up certain departments? I hope the noble Earl will take the opportunity in his speech to-night of explaining this part of his address, and that there would be a mistake in coupling the rejection of the Bill with such a declaration. There is, my Lords, another view of our position which may very properly be taken in dealing with this great question — I allude to the internal state of the country. The noble Earl and those who act with him, I apprehend, feel no apprehension in reference to the internal state of the country, for never did greater order—never did greater tranquillity prevail throughout the land than at the present moment. At no period, I may add, did a greater degree of soundness manifest itself in its trade, its agriculture, and its manufactures, while it is, as I speak, rich with the glorious promise of future production. The employment of the poorer classes, too, is in a state the most satisfactory, causing the diminution of poverty and crime. What ground for financial alarm is there, I should like to know, to be found in such a position of affairs? None; and I shall not, therefore, mince the matter, but shall take it for granted that many among your Lordships look with some anxiety to foreign countries, and see certain signs in Europe which you think may possibly lead to war, and to complications which may result in dragging England into the contest. You take this view, and you seek to make due provision against the contingency which you apprehend. Heaven forbid, my Lords, that I should give expression to a single syllable which would tend to encourage such an apprehension in the slightest degree; but if, unhappily, such a consummation as that to which I allude should arrive, what, let me ask, would be the best position in which we could stand to meet its approach? Which would be more desirable, that its advent should find the two Houses of Parliament acting with cordiality together, without a particle of jealous feeling towards one another, under their beloved Sovereign, directing in unison the energies of the wealthiest and the most public-spirited nation on earth; or that it should come upon us at a moment when a series of recriminations between the two branches of the Legislature had sprung up — and nobody can tell how soon they might under a certain state of things break out—affording a scandalous spectacle to the other nations of Europe? Do you suppose, my Lords, that you would in the latter case find yourselves in a better position either to carry on diplomacy or to prosecute war than you would in the former, even though you had to aid you some few hundred thousands pounds extracted from a tax which no one among us desires to see permanent, and which is now seriously damaged as a source of revenue? There is one other consideration which I would suggest to your Lordships' notice before I sit down. Is it wise for yourselves, or for the interests of this House—which I believe stands as high now in popular favour and esteem as it did at any period of its existence—to take the course which the noble Earl opposite asks you to pursue? One great proof, my Lords, that I am right in saying you do hold such a position in public opinion is to be found in the fact that no writing, speech, or declaration hostile in spirit to this House can be made that the attack does not immediately fall flat to the ground, being devoid of any substantial foundation. Is it prudent, then, for your own sakes to afford what, in accordance with my view, might be construed into a reasonable ground of complaint against you, and to do that which in accordance with the view of almost every one among us must appear to be calculated to furnish food for declamation to those who may seek to injure this branch of the Legislature as one of the institutions of the realm? It was, I think, Mr. Burke, who said that one of the most critical and invidious

functions which the House of Commons had to discharge was to originate the whole weight of taxation, inasmuch as its hand was felt and seen in every burden that pressed upon the people. This system has, however, hitherto worked well, connecting as it does taxation with representation. Would it be wise for your Lordships to introduce a new system, and to have your hand, instead of that of the House of Commons, felt in every burden which presses upon the people, thus virtually and practically severing taxation from representation? My Lords, I have done. It remains for me simply to thank you for your unexampled kindness and indulgence, and to assure you that the observations which I have just offered to you have been made with feelings as earnest and sincere as any by which I have at any period of my life been animated, and with a strong hope that your Lordships may see the expediency, independent of all party considerations, of avoiding, by your decision to-night, the occurrence of a state of things the direct or indirect consequences of which it is impossible for any one among us to predict.

Moved, That the Bill be now read 2ª.

LORD LYNDHURST: My Lords, the noble Earl who has just spoken, has done me the honour to refer to certain opinions which I expressed on a former occasion; but I trust that I shall before I sit down be able to satisfy your Lordships that the remarks to which he alludes have no bearing upon the present case. I hope, therefore, I may be allowed, even at this early stage of the argument—not proposing to myself to enter into the whole question under discussion, confining myself to the preliminary and most important question of the privileges of this as contrasted with those of the other House of Parliament—to trespass for a short time on that indulgence which you usually exhibit to those who address you on subjects of this nature. There can, my Lords, be no party question—no possible party question—involved in the consideration of the privileges of your Lordships' House. All we have to do in dealing with the subject is to ascertain what those privileges are, and then to act in accordance with the conclusion at which we may arrive. The noble Earl opposite alluded in the course of his speech to some meeting which took place lately, and which was presided over by a great number of the Members of the other House of Parliament. [Earl GRANVILLE intimated dissent.] My noble Friend then did not allude to the meeting but to the results of the meeting. That meeting was, I repeat, presided over by several Members of the House of Commons; and what, let me ask, were the doctrines which were there laid down? The doctrine, my Lords, that for this House to reject a money Bill which had passed by the other branch of the Legislature was an invasion of the privileges of that House, and an infraction of the rights of the people. Not satisfied with that statement, those who addressed the meeting declared such a proceeding to be an insult to the monarchy. I believe also that at that meeting, or at some other of a similar character, a Member of the House Commons who has great influence with certain classes of the people of this country told his audience that the Amendment of which my noble Friend opposite (Lord Monteagle) has given notice is an insult to the other House of Parliament. Under these circumstances, my Lords, I have felt it to be my duty—I hope not with impropriety, having on more than one occasion presided over your Lordships' deliberations in which position it fell within my province to examine into and to make myself, as far as possible, master of the question of the privileges of this House—to lay before you the conclusions on the subject at which I have arrived. You must not, however, for one moment suppose that I assume to myself any authority in dealing with this important question. I have no intention or desire to dogmatize with respect to it. I shall simply do that which I have done on a former occasion—lay before you, as plainly as I can, the facts, the principles, the authorities, and the precedents with which, in connection with this point, I am acquainted, leaving your Lordships—without any doubt as to the conclusion to which you will come—to form your own opinion upon the matter. Now, it is, in the first place, most desirable in such a discussion to get rid of all those points in regard to which no doubt exists. I do not dispute—nor can it be for a moment disputed—that we have no right whatsoever to amend what is called a Money Bill. We have, moreover, no right whatsoever to originate a Bill of that nature. Formerly, indeed, and for many years, a very sharp controversy took place between the two Houses of Parliament as to the existence of the right to which I refer. From the time of the Restoration to a considerable period after the Revolution there were

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cases in which this House exercised the right of amending money Bills brought up from the other House of Parliament with little or no dispute on the point. Controversies, indeed, sometimes took place which were carried on with no small degree of acrimony. All the cases on the subject are to be found collected in the 3rd volume of Mr. Hatsell, who I may fairly represent as being the advocate of the privileges of the House of Commons. I may observe that the result was that this House abandoned the claim. Why? Because they had no power to enforce it. If we amended a Bill which was sent up from the other House of Parliament, the House of Commons had the power of rejecting the Amendment. With them the Bill originated, and it was idle for us, therefore, to insist on a right which could not be enforced. But that principle does not apply to the rejection of money Bills. I take leave to say that there is not an instance to be found in which the House of Commons has controverted our right to reject money Bills. Over and over again, I repeat it, nothing can be found in the Parliamentary Journals or in any history of Parliamentary proceeding to show that our right to reject money Bills has been questioned. There is a curious anecdote to be found in Roger North's *Examen*, which bears upon the point. A money Bill came up from the other House, in which there was supposed to be something or other informal or improper. There was a payment to be made of some money on account of the past year, and great difficulty existed as to what course should be taken. Roger North, who knew well the privileges of both Houses, states that it put the House of Lords in a dilemma. He says we could not mend the least punctilio in a money Bill; but he admits distinctly in terms that we had a clear right to throw it out altogether, although we did not like to exercise that right on that occasion, because we were afraid that a similar Bill would not come up, and we were anxious to pass the Bill. They got out of the dilemma in rather a curious way. After two days' discussion, some noble Lord, a little behind the scenes apparently, asked to see the Bill, to have it laid on the table, and when it was produced and examined it was found to be perfectly correct; there was an end of the difficulty, and the House passed it. Still, I do not mean to rely on the authority of Roger North, well acquainted though he was with the privileges of both Houses; but before going to the authorities which established those privileges I will consider the arguments and authorities of those persons who oppose our privileges. I find there is a Resolution of the House of Commons in 1671, which I will read to your Lordships. On a Bill for an Imposition on Foreign Commodities the Commons resolved,—

"That in all aids given to the King by the Commons the rate or tax ought not to be altered by the Lords."

Your Lordships do not dispute it. That is an authority on which our adversaries rely. Another authority on which they rely is a Resolution of the Commons in 1678, which I will also read to your Lordships. On the 3rd of July in that year they resolved:—

"That all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants; which ought not to be changed, or altered by the House of Lords."

These are the two authorities which are relied upon by the adversaries of our privileges, and they deduce from them that the Lords have no power to reject money Bills. These authorities say that we have no right to amend a money Bill and that we have no right to originate a money Bill, and, by a curious kind of logic, they conclude that we have, therefore, no right to reject a Bill of that kind. That is a logic peculiar to themselves, which certainly would not meet with the approbation of the great Stagyrite. My inference from these documents would lead to a directly contrary conclusion; but that I pass over. But what I complain of is this,—I complain of the want of fairness, the want of candour,—I will not say of honesty, because that is too strong a word—displayed in quoting these passages, and omitting to quote others which are to be found in the self-same book, and which lead, as far as inference can lead, to directly the opposite conclusion. Is this fair? Is this candid? Can you place any reliance upon persons who adopt this style of argument. In fact, it is destructive to the case which they endeavour to set up. In the very book whence the quotations I have read are drawn you will find what I am now about to read. In 1689—one of the best periods in our history—the Lords amended a

money Bill—a Poll Bill, I believe. The Commons disagreed, and desired a conference, giving their Reasons at that conference. In their Reasons, which are stated with the utmost elaboration, with the utmost minuteness, and with a kind of superabundance of words which seems to show that they meant to sweep everything into their net, they admit in the most unqualified manner, not only the power but the right, the constitutional right, a right equal to that of the House of Commons, to reject money Bills when they think proper, and when they think the interests of the country require it. I defy any person at all acquainted with the law and constitution of this country to entertain a different opinion after having sifted and examined the subject even in a superficial manner. I have some scruple in reading the Reasons stated by the House of Commons, on account of the superabundance of words, but still they will show how earnest the Commons were on the subject—how eager they were to state their own privileges—and then you will see the value of the admissions they make as to the authority of this House. On the 9th of May, 1689, they sent up their Reasons for desiring a conference on the Amendment of the Poll Bill by the Lords. Among them are the following—and this extract, I beg your Lordships to observe, is taken from the same book as those I read before, which are relied on by our adversaries :—

"All money aids and taxes to be raised or charged upon the subjects in Parliament are the gift and grant of the Commons in Parliament, and are and always have been, and ought to be, by the constitution and ancient course and laws of Parliament, and by the ancient and undoubted rights of the Commons of England, the sole and entire gift, grant, and present of the Commons in Parliament, and to be laid, rated, raised and paid, levied and returned for the public service and use of the Government, as the Commons shall direct, limit, and appoint, and modify the same. And the Lords are not to alter such gift, grant, limitation, appointment, or modification of the Commons in any part or circumstance."

Nothing can be more full, nothing more precise, than this phraseology; nothing can show greater anxiety to state what their rights are. So far they are not disputed by your Lordships; and then the extract goes on:—

"Or otherwise to interpose in such Bills, than to pass or reject the same for the whole, without any alteration or amendment, though in ease of the subjects."

Nothing can be more distinct than this admission. They state their own rights forcibly, and they state the exception in favour of the Lords with equal force and precision, but not with equal abundance of words. But they do not stop there. They go on, and use a kind of simile:—

"As the Kings and Queens, by the laws and constitutions of Parliament, are to take all, or to leave all, in such gifts, grants, and presents from the Commons, and cannot take part and leave part, so are the Lords to pass all or reject all, without diminution or alteration."

This is not an admission of a power, but of a right; an admission by the Commons of a constitutional right of this House. And this does not stand alone. It is to be lamented that those Gentlemen who contend against the privileges of this House, and who have quoted certain passages from this very work, had not the fairness to cite the one I have now read, which is to be found in the very next page to that from which their extracts were taken. I have another case of a somewhat earlier date—the year 1671. And it is remarkable that the very document which I have just read, should have been founded on the proceedings to which I am now about to call your Lordships' attention; so that in reading the case which they have quoted, they must have had this very document before them. A Bill for an Imposition on Foreign Commodities came up from the House of Commons, and was amended by the Lords. The Commons rejected the Amendments. A conference was demanded, and the proceedings were continued for several successive days. Now, mark what took place. Your Lordships maintained it to be the greatest security to all the subjects of the kingdom, that the Houses, by their constitution, do not only give assistance, but are mutual checks upon each other. What was the answer of the Commons? "So they are still," they said, "for your Lordships have a negative to the whole." There is a marked admission on the part of the other House. Another part of the argument was, "If the Lords may deny the whole, why not a part? Else the Commons may at last pretend to bar a negative voice." The reply of the Commons bears on the present question: "The King must deny the whole of every Bill, or pass it; yet this takes not away his negative voice; why should it take away yours?" My noble Friend (the Earl of Derby) on Saturday received a deputation, which at great length, and with marvellous audacity, endeavoured to dissuade him from opposing this Bill. But they took nothing by their motion. And when, as they were about to retire, one

more pugnacious than the rest took a long and lingering look behind, and endeavoured to draw my noble Friend into a conflict, the noble Earl wisely and prudently refused to be entrapped into any admission. My noble Friend put the question very clearly when he asked—"What is the use of our discussing Money Bills when they come up to this House, if we have no right to reject, as we admit we have no right, to alter them?" Noble Lords will recollect when the Succession Duty Bill was sent up from the other House, it was very warmly discussed and debated by your Lordships. My noble Friend Lord Aberdeen—whose absence on the present occasion I greatly deplore—was then at the head of the Government; a man of high talent, and, if possible, of still higher character, and of great reputation, not alone in this country, but throughout Europe and the world. That noble Lord has been a Member of your Lordships' House for sixty years, and from his station, character, and acquirements, no one can be more conversant with our privileges. What was the language held by Lord Aberdeen in 1853?—

"Now your Lordships cannot alter a tittle of this Bill; not a particle. You may—and this you have a full right to do—throw it out on the second reading. That is perfectly within your Lordships' competence to do."—[3 *Hansard*, cxxvii. 671.]

It is for your Lordships to consider, in this particular case, whether it will be prudent and proper, having regard to the interests of this country, that you should adopt such a course. My Lords, my noble Friend opposite (Earl Granville) has done me the honour to cite my authority. What was the nature of the circumstances which led to the decision he has referred to? It was stated that 400 years ago the Sovereign had created a life peerage, but no instance had occurred since that time. The argument I made use of, which was supported by many noble Lords, was that everything in this country depends on long usage and prescription; when, therefore, no such right has been exercised for 400 years, and no claim has been put forward during that period, it ought not to be acted on, and cannot be considered as part of the law and constitution of the country—particularly after the many changes, including a revolution and a restoration, which have since taken place. That was my argument; but does it apply to the present case? My Lords, I shall be able to show that within a recent period this right which we claim has been acted on without dispute, not in one, two, or three cases merely, but in numerous instances. I hold a list of these cases in my hand, and I have selected the more modern. In 1807, a Bill came up to this House for continuing and granting certain duties on malt. It was rejected. I am not prepared to say whether the Bill was rejected in form, or whether, according to the usual course, the Motion was that it be read a second time, or committed, that day three months. Again, in 1789, a Bill was passed through the House of Commons, and came up to your Lordships, for imposing a duty on cocoa-nuts. It was rejected on the 6th of August in that year. A similar Bill was brought up in 1790, and again rejected. So that not only are there admissions of our right by the House of Commons over and over again, in the most distinct terms—not only has there been no instance in which they have disputed that right—but cases have occurred in which it has been directly affirmed and exercised by this House without any complaint on the part of the Commons. But a distinction is drawn by my noble Friend opposite, who says that those were Bills for imposing taxes; whereas this is a Bill to relieve from taxation; and my noble Friend alleges that a wide distinction is thereby created. That is certainly a novel doctrine; I never heard it broached before; there is no precedent for it; no authority can be cited in its favour; no *dictum* even is given. But how is the practice? I hold in my hand a list of certain Bills for relief from duties, which were rejected by your Lordships' House. I select a few. In the year 1790, a Bill was passed through the Commons to relieve the coasting trade of Great Britain from stamps on certain documents, and abolishing bonds respecting the Isle of Man. This Bill, which I believe had reference to smuggling, was rejected by your Lordships; and there was not a murmur of complaint that I can find even a trace of. What becomes, then, of my noble Friend's distinction? What becomes of his 400 years' prescriptive right which he cited against myself? But I should be sorry that the case rested even here. In 1805, a Bill was sent to this House for abolishing certain fees payable to Custom House officers in England; that was a Bill for relief from taxation, and it was rejected by your Lordships without complaint. In 1807, a similar step was taken with respect to a Bill which proposed to abolish payments to Custom House officers in Ireland, and no

complaint followed. In 1808, a measure was carried through the Commons to repeal duties on coals carried coastwise in Wales, and grant others in lieu thereof. Here was a Bill to remove and to impose taxation, embracing consequently both alternatives, and it likewise was rejected by your Lordships. So much for the authority and antiquity of the claim which is said to be obsolete! Then, my Lords, in 1811, there was a Bill passed by the other House to suspend for one year the duties on corn-wash for distillation of spirits in England, and to permit the distillation of spirits from sugar. That was a Bill for the relief of duties, and the amount of those duties was considerable. That Bill was discussed in the House of Commons at great length. All the agricultural interest took part in the discussion, and when it came down to this House it was again discussed at great length. Lord Liverpool was then Minister. He took part in the discussion, as did also Lord Bathurst, the Minister for the Colonies. After a long debate the Bill was thrown out. Did Lord Liverpool—the Minister of the day under whose authority the Bill was introduced—did he make any complaint? Did the House of Commons make any complaint? Not a single syllable was uttered on the subject. So far from that, when a few days afterwards the Chancellor of the Exchequer brought in a Bill to make amends for the loss of duties, he merely said, "I introduce this Bill in consequence of the rejection of a Bill by the other House." Never was a subject more fully discussed than that was, and no complaint whatever was made by the Lower House. But, my Lords, this case is still stronger. It is a case of a tax in progress. The moment a Bill has passed this and the other House, and received the Royal Assent, it becomes the law of the land. All individual authority on the part of the House of Commons is at an end—has terminated, and the House of Commons has no more authority over it than your Lordships have. It is law, and, like any other law, can only be revoked by the joint action of the two Houses of Parliament and with the consent of the Crown. I was surprised to hear my noble Friend the other day admit, as I understood it, that the whole permanent revenue of the country can be touched by the House of Commons without the consent of this House. However, I think I have gone sufficiently, if not too much, into this matter; but the question is of immense importance, not only to the Constitution, or to this or the other House, but to the country, and that I must plead as my excuse. I have stated distinctly what rights we claim and what rights we have exercised. We exercise those rights not for ourselves, but for the people. I hear it said that the House of Commons may order their officers not to levy a tax of excise. The House of Commons may annihilate that or any other law, and leave the responsibility upon their unhappy agents who are the instruments of their caprices. But that is not a subject for discussion here. It would be indecent in me—it would not be respectful to the House of Commons nor to your Lordships—it would not be respectful to the Sovereign—it would not be respectful towards myself, were I to enter upon such a consideration. I hear it said, too, that a discussion took place respecting a substitution of a penny of income tax for these duties, and that the substitution was agreed to. Whether a penny of the income tax was or was not meant as a substitute for these duties I have no means of knowing; but this I do know, that we could not strike out that penny. We had no right to amend that Bill, and if we had attempted to amend it we should have been told at once it was an invasion of the privileges of the House of Commons. This is the answer I give to the charge of "sharp practice" which I believe an hon. Member who has considerable influence over some classes in this country, to whom I have before referred, has endeavoured to fix upon your Lordships. I may be told that there will be more money than we want—that there is a surplus. That is a perilous matter into which I do not choose to enter. It forms no part of the programme which I have marked out for myself. I leave that to my noble Friend opposite (Lord Monteagle), who I have no doubt will sufficiently clear up that portion of the subject. The question comes to this:—If your Lordships are satisfied, as you must be, that you have not only the power but the constitutional right to reject this Bill, and if you are satisfied that there is an actual deficiency, that next year there must be a most enormous deficiency, and that the present state of Europe is such as to create continual anxiety, then I ask your Lordships will you consent to give up, not for the present year only, but permanently, a sum of nearly a million and a half? That is the proposition I put to your Lordships,

and I am satisfied what your answer will be. My Lords, as I said I would confine myself to this question of privilege, I will only further observe that the illusions, perhaps I may say the delusions, created by the introduction of the Budget seem to have passed away, and we have learnt that, although brilliant eloquence has charms, yet, like other seductions, it is not without its dangers. The same schemes may bear the impress of genius, of imprudence, of rashness. *Satis eloquentiæ, sapientiæ parum* is not an irreconcilable combination. If my noble Friend should move the Amendment of which he has given notice, I shall give him, for the reasons I have stated, my cordial support.

LORD MONTEAGLE: My Lords, I have heard with equal gratification and conviction the arguments and the authorities cited by my noble and learned Friend. They set at rest conclusively the objections raised against my Motion, at least that objection which has been relied on most strenuously out of doors, a denial of the strict Parliamentary right of the House of Lords, as proved by law and usage, to reject this Bill. This is rashly stated to be unconstitutional on the part of the House of Lords. As such it is denounced to be an usurpation of the privileges of the Commons, and is described as constituting the "head and front of our offending." This assertion constitutes the main stay and prop of the adverse argument. But after my noble and learned Friend's speech I do not think any one will be disposed again to question the full and unqualified right of the House, admitted by high authorities and sanctioned by uncontradicted practice, to deal with any Money Bill, as a whole, either by accepting or rejecting it. If the arguments you have heard have carried conviction, as they must have done, not only to your Lordships' minds, but conviction to the public mind also, there is an end put at once and for ever to those charges that have been so loosely and, I will say, unpardonably brought against this House. It is but a small matter that one of the humblest Members of this House, like myself, should have been made a special object of animadversion for the course I am about to take. But charges against your Lordships' House as a branch of the Legislature cannot be so lightly passed over. Before going further allow me to say that the responsibility for this Motion rests with myself alone. Permit me to say that, however gratified and honoured I may feel by finding that on this question my opinion is supported by the earnest approval of the noble Earl opposite (the Earl of Derby), still I make this Motion as a matter of duty to myself and I may add to the country, without concert with him. In doing so I disclaim any possible attempt, by association, combination, or confederacy of any kind, to deal with this question either in an uncandid or an unparliamentary manner. The resolution I formed and announced of inviting your Lordships to reject this Bill was exclusively my own. The noble Earl, I believe, was as ignorant of my intention to give my Notice as I was unprepared for the unqualified cordial declaration of opinion on the part of the noble Earl by which my Notice was honoured. If it be true that what I claim is our right and privilege; if it can be proved that it does not rest upon our own assertion of the right, but on the admissions of the Commons themselves, there is at least an end of all the charges of seeking to interfere with the privileges of the House of Commons. I must say for myself, and though it may be presumptuous in me to use the expression, I assert for others as boldly that the Members of this House are as little minded to violate or undervalue the privileges of the House of Commons as they are unwilling to abandon their own. I believe such a privilege to be as useful to the other House of Parliament as to ourselves. In respect to both Houses I believe that the privileges of Parliament form an essential part of the Constitution of the country; they had not been the work of accident, nor the creation of a moment. They had been carefully elaborated, and, at length, happily fixed. Like the rest of the Constitution, those privileges have grown up by degrees; and I agree with the noble Earl the President of the Council that it is to comparatively recent times, after our Constitution had passed through the throes of civil war and revolution, that we must really refer for guidance upon this question, rather than to times long antecedent. It was not till the seventeenth century that the Constitutional privileges of the two Houses were matured and consolidated, though debated and asserted long before. Even those who are but slightly acquainted with the Parliamentary history of England must know that in earlier times the Lords exercised a distinct and separate power with respect to Money Bills and taxation.

"Distinct grants (observes Mr. Hallam) were made by the Lords and by the Commons; of these the latest was in the reign of Edward III. The language used in the reign of Richard II. was, 'We the Commons grant with assent of the Lords.'"

And Mr. May, our latest authority, admits further (p. 324) that—

"The Lords were not originally precluded from amending Bills of Supply; for there are numerous cases on the Journals in which the Lords' amendments to such Bills were agreed to."

But, as I have said, it is unnecessary to go back to remote history. We may more safely refer to the period when our Constitution was matured, and if we do so we shall find that in this essential question, of the authority to reject a Money Bill, though neither to originate or to amend one, the right of the House of Lords has never yet been brought into doubt. This part of the argument has been so conclusively dealt with by my noble and learned Friend that it would be unbecoming as well as unnecessary in me to advert to it at any length. I do not therefore intend to refer to that part of the question in detail, except to point out in addition to what has fallen from him and in re-assertion of the main principle—not in corroboration of it, because no corroboration of mine is needed—some instances in which this matter has not been left in doubt, but has been decided after solemn deliberation. In the great case of 1671, for example, when on conference the Lords resolved—

"That by a new maxim of the Commons a hard and ignoble choice is left to the Lords, either to refuse the Crown Supplies when most necessary, or to consent to ways and proportions of aid which neither their own judgment nor the good of the people can admit."

The reply of the Commons was—

"Your Lordships' first reason is from the happiness of the Constitution that the two Houses are mutual checks on each other. Our answer is, So they are still, for your Lordship have a negative to the whole."

In 1689, when on the Poll Bill amended by the Lords the Commons asserted their own privileges with legal precision, they also concede to the Lords the whole privilege claimed by the present vote—

"The Lords cannot alter the grant proposed, or otherwise interpose in such Bills than to pass or reject the same without alteration or amendment, though in case of the subject—."

I repeat these solemn and indisputable judgments pronounced by the Commons themselves as laying the foundation for the more recent precedents to which it is necessary to refer. But before doing so I may allude to the confirmation of the same principle by Blackstone, vol. 1, p. 170—

"It would be extremely dangerous (he observes) to give the Lords any power of framing new taxes for the subject, it is sufficient that they should have a power of rejecting, if they think the Commons too lavish or improvident in their grants."

Many of the later instances occurred during the existence of strong Governments, exercising, especially in this House, a powerful influence. On several of these occasions the question was decided after the Lords had been summoned to consider the question at issue; the House then pronounced a unanimous decision on the subject; the decision was communicated to the House of Commons; the House of Commons acquiesced; and from that time to the present, there is no instance of cavil, of dispute, or of protest on the part of the House of Commons against such a proceeding. One of these instances occurred in 1758, upon a Bill to discontinue for a limited time the duties payable on tallow imported from Ireland, brought up to this House from the Commons. A Motion was made in the House of Lords for the postponement of the measure for two months, thus practically rejecting the Bill. This Motion was carried, and the Bill was lost. Your Lordships will see that the same principle was involved as on the present occasion, whether the suspension was for two months or for any other period of time. The Bill was thrown out by this House, and no objection was raised by the Commons. I have heard a distinction suggested between the privileges of the Lords in respect to duties of Excise and of Customs. The distinction, if it existed, would be futile. The real point in question was the money Vote, and not the branch of revenue voted and appropriated. But such as the objection is, I can meet and disprove it. I refer your Lordships to a Bill passed by the Commons in 1816, in the case of an Excise Bill. In 1816 a Bill was sent to the Lords "to repeal the duties of Excise on stone bottles, and to impose other duties in lieu thereof." A Motion that it should be read a second time that day six months was made in this House and carried; and the House of Commons made no comment or complaint. I have omitted to notice the Silk Duty Bill of 1765 for laying additional duties on silk imported. This Bill was read a second time in the House of Lords, but the Motion to commit the Bill was negatived and the Bill

lost. In 1783 a Bill to repeal certain Acts and to lay an additional duty on brass exported, was lost in the Lords by a Motion of postponement for two months. The third reading of a Bill for repealing duties on coals, culm, and cinders, carried coastways from South Wales, and granting other duties in lieu thereof, reached its third reading in the Lords. In this case the Lords were summoned to consider the Bill. A Motion was carried to postpone the Bill for three months, and the Bill was lost. In 1811, during the Government of Mr. Spencer Perceval, (which in this House was most powerful), a Bill for suspending the duties on corn-wash used in distillation in England, and on sugar for distillation in Scotland, and charging duties according to the prices of materials, was brought before this House the Lords being summoned. The Bill was ordered to be read that day six months, and thus rejected. I have thus laid before you a succession of precedents, to which other might have been added, all illustrating and confirming the great principles laid down in 1671 and 1689. Those who maintain the opposite doctrine cannot pretend to point out one single conflicting judgment, or Resolution, during the last two centuries. As an officer of the other House—I mean Mr. May—is reported to have expressed an opinion to the contrary of that which I am now advancing, I wish to read a passage from his very able text-book on the *Law and Practice of Parliament*. After alluding to the sole and indisputable right of the House of Commons to originate taxation in these terms :—

"The legal right of the Commons to originate grants of money cannot be more distinctly recognized than by these various proceedings, and to this right alone their claim appears to have been confined for nearly 300 years. The Lords were not originally precluded from amending Bills of Supply; for there are numerous cases in the Journals in which Lords' Amendments to such Bills were agreed to. But in 1671 the Commons advanced their claim somewhat further by resolving *nem. con.* 'That in all aids given to the King by the Commons, the rate or tax ought not to be altered—;'"

He proceeds to quote the Resolution to which my noble and learned Friend adverted, and which I have subsequently quoted, which, while it affirms the right of the Commons to originate Money Bills and send them here, clearly reserves to the House of Lords the fullest power of rejecting as well as of accepting them. Mr. May concludes as follows :—

"The functions of the House of Lords in matters of supply and taxation are thus reduced to a simple assent or negative."

And again,—

"Thus the Crown demands money, the Commons grant it, and the Lords assent to the grant."

But I wish your Lordships to consider further, that, by law and Parliamentary usage, the rights of the House of Commons are not merely limited to the origination, the framing, and the passing of Money Bills: another and an equally important right which they exclusively possess is the appropriation of the sums so raised. This right is uncontested. Your Lordships have nothing to say to the passing the Votes of Supply and to the framing of the Appropriation Act; we cannot alter a single grant which appears in any one of those Acts of Parliament; but with regard to one and all of them we have full and entire power to deal with them as a whole, and to adopt or reject them. This power of appropriation is not affected by my Motion. God forbid it were interfered with by your Lordships. I only wish it were more vigilantly superintended by the Commons, and that the memorable Appropriation clause of Lord Somers were more rigidly enforced. Now, when it is said, "If you reject this Bill, you create a surplus of £1,400,000 in addition to the Supplies which have been already voted, and how is it to be expended," I wish to point out that not one farthing of this surplus can be issued or applied to the public service, except upon a legislative authority derived from the House of Commons — originating with them, one which it is peculiarly their function to frame, to which our assent is essential, but in which we are not entitled to make the slightest alteration. I said just now that a sum of £1,400,000 was affected by this Bill. But that does not sufficiently express the real fact. In truth, the amount on which you are called upon to decide by your vote to-night, is not £1,400,000 for one year, but £1,400,000 for an undefined term of years—it is a perpetual annuity to that amount. If you adopt the suggestion of the House of Commons and pass the Bill repealing this tax you will practically part with a sum of £36,000,000 sterling, that being the capitalized value of the annuity which you are now invited by the other House to repeal. The success of my Motion will preserve this sum for the Consolidated Fund, where it must come under the power of the House of Commons itself. For let me

again remind your Lordships that nothing can be paid out of the Consolidated Fund except by virtue of an Act of Parliament; and when we are accused of wishing to diminish the power of the House of Commons, it should be recollected that not one single farthing of the tax which I propose to preserve can be appropriated except by a statute originating with the House of Commons. This enormous sacrifice of revenue becomes a very serious question when it is remembered—as has already been hinted at in debate—that a desire has been expressed on the part of some persons to diminish the security now afforded for the payment of charges placed on the Consolidated Fund, and that it has been suggested, in a quarter that certainly may not add to its authority with your Lordships, that the same course should be taken with regard to the expenditure for the Army and Navy—indeed, it has been suggested that it should be so contrived to make the taxation of the country distasteful to the whole community, thus rendering the payment of taxes hateful to the people, that they in their turn may insist upon cutting down the public civil and military establishment as the only means of ridding themselves of taxation. Your Lordships, I have no doubt, are fully aware of the perils of such a course. Every step taken towards diminishing the security now existing for the payment of charges on the Consolidated Fund strikes essentially at the credit of this country. That security is the foundation on which our public credit rests; that gives to our public securities the value they now so deservedly possess; and every step by which the national credit is struck at, or even by which a disposition is manifested, a desire shown, or an intention avowed of that character, lessens to a corresponding extent the security of the public creditor. In the security of the public creditor public and private interests are inseparably bound up. With respect to the allegation that it is your Lordships who are about to reimpose the paper duty which it is said will be levied and applied by authority of this House, I would observe that it is not your Lordships' vote that re-imposes that duty, supposing you should reject the present Bill; that annual revenue of £1,400,000 will still rest, not on your act, but on the statute law of the land, on the right of the Queen, Lords, and Commons to grant the sum; and on the legal appropriation of that sum by law, which cannot be changed by your Lordships or otherwise than by the sanction of Parliament. But in this matter—and I am not at all surprised that my noble and learned Friend should have called attention to the argument—we have been charged with what has been described somewhat discourteously as "sharp practice"—if we should re-impose this tax after having passed the additional million of income tax proposed as a substitute for it. I have already shown that this tax would not derive its power from us, but from the authority of the pre-existing law. Now, I request the noble Earl who has charge of this Bill to remember what took place in this House with regard to the Income Tax Bill. When the Income Tax Bill was passing through its third reading in this House, I desired some further delay; but on the declaration of the noble Duke (the Duke of Newcastle) who had charge of the Bill, that public inconvenience would result from the postponement of the measure, I abstained from pressing for its postponement, receiving an assurance that we should not thereby be prejudiced in the discussion of the Paper Duty Bill, which I then announced as impending. I think, therefore, that in candour my noble Friends on the Treasury Bench will admit that no obstacle should be raised to impede the fullest discussion on this Bill. We have, on the contrary, as free right to discuss it as if the income tax had not been already passed. Then it is said, what will become of the million produced by the additional penny laid on the income tax if this Bill be rejected? That is not your Lordships' business to determine. It is fully open to discussion elsewhere. It is competent to the House of Commons, if they can spare the million, to take a penny in the pound from the income tax—it is competent to them either to diminish the income tax by one million, or to apply the million to the diminution of the remaining war duties raised on tea and sugar. All these courses are still open to them; and I wish your Lordships to understand that your rejection of the Bill not only does not bind the future course of the House of Commons, but, on the contrary, that it gives them full power to apply that one million or £1,400,000, the produce of the paper duties, in any way that in their judgment may be deemed most conducive to the public service. But I now proceed to call your Lordships' attention to another part of the question that seems to me of

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the utmost importance. I wish to call your attention to a further effect that the repeal of the paper duty will, under our present circumstances, produce on the public credit. I ask those most conversant with mercantile affairs, whether it would be thought creditable (I might say decent) for a private individual to place himself in the position in which this Bill, if carried, would place the country. You have incurred a debt which you have promised to pay on a fixed day. In the month of November you are bound by law to pay to the owners of certain Exchequer bonds the sum of one million sterling. But what was the statement of the Chancellor of the Exchequer on this subject, made in his place in Parliament? He stated, at the very time that he was voluntarily diminishing the annual revenue by £1,400,000 a year, that "he was not in a position to make provision for the payment of the outstanding bonds." The fairer statement would have been that he was putting himself, and wilfully putting himself, into a position where he made it impossible for him to discharge this debt. Neither is this the first time you have postponed the payment of a debt of this kind, nor will it be the last, if you persevere in the proposed reckless sacrifice of productive and improving revenue. There are already outstanding two further sums of £1,000,000 each, which, in place of being paid off in the terms of the original contract, have been carried on and made charges on the income of 1862 and 1863. For those you will also have to provide. Parliament is thus establishing a precedent on which a private merchant could not venture to act without forfeiting his credit and seeing his name in *The Gazette*. Would such a trader obtain a certificate if made a Bankrupt? It is nothing less than this—you have a debt of three millions to meet, yet you are throwing away gratuitously an income equivalent to a capital sum of £36,000,000 which would much more than enable you to pay every shilling as it falls due. In the case of the private trader would not such conduct amount to a criminal misappropriation of assets. Let me add another observation on the condition in which we stand. It has been said elsewhere that the great object of the present provisional arrangements is to leave everything, as far as possible, free and open for the decision of the Parliament which will assemble next year. In that master-piece of oratory, the Budget speech, the Chancellor of the Exchequer declared that he wished to reserve for Parliament the fullest and freest discretion. How is this consistent with the proposed sacrifice of £1,400,000 of paper duties? You are now pressed to take a step which prejudges the whole case to be decided in 1861, and commits you to two propositions—one being a reckless substitution of direct taxation falling on property, for indirect taxation imposed upon articles of general consumption. Such a step can not be taken perseveringly, and on a system, without the greatest peril. I am unfortunately old enough to remember, and Lord Brougham, were he present, could give your Lordships some striking reminiscences, of what took place in 1816 in reference to the property tax. That tax had been imposed by Mr. Pitt expressly as a war tax. In 1816, Lord Liverpool's Government proposed to continue the tax for one year after the peace in order to pay outstanding engagements which it was argued had been incurred for the war. Lord Liverpool's Government was a strong Government, yet not only was he unable to carry his proposition, but the detestation of this tax, in time of peace, was so strong and general that on its rejection a Motion was made in the House of Commons by Mr. Brougham that all the documents relating to the hateful impost should be burnt, in order to give a security to the country against its future re-enactment. We have had further experience in still later times. Have your Lordships forgotten the memorable Resolutions which were moved in your House in March 1842, and which state, in powerful language, the dangers and objections to an income tax in time of peace? Again, when my right hon. Friend, now Secretary for India (Sir Charles Wood), was Chancellor of the Exchequer he proposed a renewal of the income tax for three years. But he was unable to succeed in inducing the House of Commons to agree to his proposal. That House interposed, a Committee was appointed to inquire into the case, and before that Committee had made its Report, the proposed increase of the income tax was swept away; it disappeared as rapidly as Mr. Pitt's tax had done. But the case as it stands this year is worse than on former occasions, because the tax is passed for a portion of the year only. Now, I maintain that it is bad in principle to impose a tax like this for one single year, still less for a fraction of the year. Sir Charles Wood was compelled, as the price of his grant, to propose to Parliament that inquiry

which led to no practical benefit. He consented to that which was only a delusion—namely, an inquiry before a Committee into the tax with all its inconveniences and injustice. Paradoxical as it may appear, in one important respect a perpetual property tax is less unequal than one for a short term of years. Compare with this curtailed property tax one unlimited in duration. The latter falls on the owners of property whether possessed for one year, five years, one hundred years, or for ever, in the exact proportion of the duration of their estates, and is so far just. But a property tax imposed for a single year only compels the owners of incomes for one year to pay equally with an owner for 5,100 years, or for ever. The recommendation which is now urged is to substitute a property and direct taxes for carefully selected and well apportioned taxes on consumption. This is founded on a specious and dangerous fallacy. The people are called on to adopt it with a view of throwing the bulk of taxation on the rich, and exempting the poor. This rests on an unsound foundation. It is in truth to me a most fatal mistake. It assumes that the rich and the poor, the capitalists and the labouring men, constitute two separate classes with adverse interests. No doctrine can be more dangerous and untrue than this. What would become of the working classes were it not for capitalists, as givers of employment; and how is capital to be made productive, except by providing employment for the labouring classes in a way eventually to increase wages? Now, I pray your Lordships to observe how this system of taxation will act if the Customs on foreign paper is repealed, whilst the impost of the raw material is prohibited or highly taxed. You are making fiscal arrangements by which inducements are afforded to English capitalists to transport their capital to France, where the means of manufacturing paper will exist in greater abundance; and though we have been warned against venturing to indulge in prophecy, yet I will take this opportunity of saying that if these alterations on the paper duties are made, they must lead to the transfer of the capital and industry engaged in the paper manufacture from England to foreign countries. Great complaints have been made against my Motion on behalf of gentlemen who are said to have purchased steam machines for the extension of their manufacture if the Excise duty on paper is repealed; but I believe that if this tax is repealed, as well as the duty on foreign paper; we shall see paper mills set up in Normandy and Picardy instead of in England. The repeal of the duty on foreign paper imported, so long as a prohibition or a prohibitory duty on foreign rags is maintained is not free trade, but a bounty on the foreign manufacture. I return to the question which has been already put. I am asked what are we to do with this £1,400,000, supposing we have any money to spare? I say, if we have such surplus, no very probable hypothesis I fear, and if it is not thought expedient to reduce either the income tax or the war taxes on tea and sugar, let us dispose of it in a truly English way—let us pay our bond debts, and discharge honestly the engagements we have undertaken. But in place of this act of common honesty, we are asked to postpone the payment of our debts in a way which a private individual could not venture to do without a total loss of credit. But, after all, ought we not to ask whether we have the money to spend which we are invited to sacrifice by the Bill before us? We have been told, it is true, that by the falling in of certain Annuities the large sum of £2,000,000 is this year placed at our disposal, and that we are bound and justified in applying that money to the relief of trade and commerce. The supposition of such a surplus is but a fond imagination. There are no facts to support it. That saving was anticipated before the Annuities fell in; it has been exhausted already by the repeal of other taxes prior to or contemporaneously with the expiration of the Annuities; and, therefore, not a single sixpence of that £2,000,000 now remains available. The Budget of this year involves a still greater loss of revenue. It may be said that we have other means at our disposal. The contrary is the case. Your Ways and Means will be shown to be largely deficient before the close of this year. Even if it were not so, I would call your Lordships' attention to the fact that we are bound to look beyond 1860, for we are dealing with the affairs of a great country and its abiding interests. We should consider the future as well as the present, and it will not be enough to show that we have done our duty if we have only provided for the necessities of 1860, without also considering the demands that will be made upon us for 1861 and succeeding years. We have taken a contrary course. By the most ingenious

evasions an attempt has been made to show that there is a favourable balance between the income and expenditure of the present year; and no attempt has been made to explain the condition in which we shall stand in the year that is to come. Even if we limited our consideration to the present year, there is nothing to justify us in repealing this tax. The balance upon an estimated income of £70,000,000 is at best calculated at £474,000. Such a surplus, if it existed, cannot inspire much confidence in our financial position; but have we really got this assured? No such thing. Even during the short interval which has elapsed between the opening of the Budget on the 10th February, and the present time, that £474,000 has disappeared in the same manner with the £2,000,000 of Annuities—it has vanished into thin air. Nor is that all. How, let me ask, was this insufficient balance of £474,000 produced? It has already passed away, but it was created by the most extraordinary combination of discordant fallacies for the purpose of appearing rich, without being so, that ever was exhibited, either in public or in private life. Thus we find one sum of £1,400,000 brought in as additional income, but which in reality was only produced by anticipated income unexpectedly called up, but really belonging to the next year. I allude to the repeal of the malt and hop credits. This no more belongs to the income of the present year than do the rents of any of your Lordships' estates for the year 1861 properly form part of your income in 1860. I think, therefore, you will see that even if we went no farther, instead of a surplus of real income, we should have to deal with a deficiency. A similar observation applies to the calling up of the property tax. But is this all? In the case of the charges for the China war every attempt has been made to transfer these charges from the present to the following year—to say nothing about the matter until the Parliamentary pressure became irresistible, and in the meanwhile to leave your Lordships to imagine that no such charge really exists. I think that I have accurately ascertained this to be the fact, as the result of the answers given most reluctantly by the Government this evening to the questions put by my noble Friend near me (Earl Grey). The Native troops sent to China are, it would seem, to be paid out of the military chest; but that chest was not provided for this Chinese war, and cannot properly furnish means to defray its expenses unless Parliament votes a further sum to replace that which is taken from it. If such a sum is voted you must ultimately place it in your balance-sheet, and it will make your position still more desperate than it appears to be at present. Any sum so borrowed is left without the provision of any means of repaying it. Both the debt and the means of repayment are kept from the knowledge of Parliament; and I say it will be unpardonable if, even at this period of the Session, a Vote is not taken with a view to replacing in the military chest the sums which have been so advanced without Parliamentary sanction. No provision is made as yet in the Army Estimates for the pay of the Native troops serving in China; the Vote of Credit granted this year is for the expenses of the past one. No Estimate is presented for the further expenses of the China war during the current year; the Army Estimates cover only part of the expenses of the British force in China, and no part of the expense of the Native force; and large charges under these heads must necessarily have to be provided hereafter; I have heard that these costs of the China war will amount to many millions. There is also another unprovided-for charge, more than sufficient for the destruction of that which has already been destroyed—this imaginary balance. Another questionable receipt has been credited to your account of income. You have had a debt paid unexpectedly. The Spanish Government has been both sufficiently rich and sufficiently well disposed to pay its debts; and the sum so received you have, in part at least, carried to the credit of this balance-sheet. This sum is not income in the true sense of the word. Even in this year financial reductions have been already made since the Budget was first announced. During the progress of the debates there has been an extra loss upon the wine duties of £171,000; many of those strange penny duties imposed upon trading operations have been abandoned upon compulsion, attended with a further sacrifice of £110,000. It is under such alarming circumstances that without any full, clear, and distinct explanation, showing your true and available income, and the real charge upon it, your Lordships are called on to abandon a tax, to which little or no objection has been suggested, and you are pressed to do this without knowing whether you are parting with your own money or that which belongs to others, for whom you should

consider yourself as trustees. Although I may be supposed, from old habit, to view taxation with a more favourable eye than can be expected from those who have not held the ungracious office of national tax-gatherer, I can assure your Lordships that I am not going to praise either the paper duty or any other tax. No doubt it would be better if you could abolish both that and many other duties; but I respectfully warn you that you cannot afford to do so. I remember that Mr. Hunt, when a Member of the House of Commons, a man of no great education, but of considerable shrewdness and common sense, observed in debate with much truth and point, that you could not raise millions without taxing the millions; you may hold out delusive expectations that by substituting direct for indirect taxation you will relieve the lower classes, but you do not venture to tell them how that change may influence wages, and thus affect the interests of the working classes. One of the most extraordinary commendations which has been passed upon this Budget, is that you are now bent on reducing the subjects of taxation to a very few articles, and propose ultimately to place all our Custom duties, so far as I recollect, on fifteen articles. Why, that change augments the danger of your position by exposing your revenue to increased risk of casualty! It is a practice contrary to the old principle of taxation; it is entirely at variance with the system of Mr. Pitt, than whom, in his commercial policy and general views of finance, there seldom has been a greater, wiser, or more successful Minister. It has up to this time been admitted by all writers upon the subject of taxation, that if you wish to diminish pressure and lessen danger you should extend the surface over which that pressure is to rest. Any other doctrine may be plausible, and may be popular for a time, but unless it tends to the general security and credit of the country the poorer classes as well as the richer will eventually suffer. If I have reluctantly but successfully proved that there can be no surplus this year, but on the contrary a great deficiency, occasioned too for the most part by voluntary acts of the Government, I again ask you to reflect how will you stand next year? All this time you have heard nothing from the Government as to that. Let us suppose that all is right for the present year, suppose that everything has been so carefully adjusted that there is no anxiety for the present engagements of the country; suppose that we are in a position to meet all those engagements; how will you stand in 1861? I will assume the estimated income for the present year to be about £70,500,000. Next year if you reject my Motion you will lose, as deducted from that sum, £700,000, the proportion of the paper duty which is paid this year; and, unless you again break your word and again refuse relieving the people from the war duties on tea and sugar, a further loss will ensue, amounting to £1,500,000. Then you cannot expect to call up a further sum by once more discounting £1,400,000 of malt and hop credits. Neither can you again perform a similar operation on the property tax, which for the present has swelled your receipts. What will you do with the property tax, which you have only voted for a short renewal? This is, indeed, a formidable question. You will have exhausted the whole amount that you can obtain in that way. Therefore your income next year will necessarily be lamentably deficient as compared with that of the present year. Taking the whole of these circumstances, into account, and assuming the ordinary expenditure to be the same as that of 1860, there can hardly fail to be a clear deficiency for the next year from £11,000,000 to £12,000,000. I pray your Lordships' attention to that alarming fact. But that is not all. There are other services yet unnamed which you will have to provide for. Have we not all heard of a great scheme for the national defences? Information on that subject was promised to Parliament some time ago, but long delayed, it has not even yet been produced—we are, therefore, left to conjecture as to the probable cost of carrying out that vast undertaking; the surmise is that it will involve an expenditure exceeding £7,000,000 or £8,000,000 sterling. I may be told that sufficient provision has been already made for at least some part of this object in the present year; but that is all that is relied on for 1860-61, it only shows that a very large sum indeed will be required for what I must presume is a necessary work in the course of next year. Such then, is the condition in which I apprehend you will find yourselves in 1861; and I therefore fearlessly put it to your Lordships whether, under these circumstances, you are warranted in depriving the country of a revenue of £1,400,000 which capitalized would be represented by no less a sum than £36,000,000. It has been said, indeed, that the income from the paper duty cannot

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be collected. To that assertion, however, there is this conclusive and triumphant answer, namely, that this tax is the very best and most economically collected portion of our old revenue. It is also increasing annually. The following account will show its satisfactory progress:—

Paper Duties.	Gross Duty.
Average 5 Years ending 1829 . . . lbs. 88,300,000	£ 715,000
Average 5 Years ending 1859 . . . 217,000,000	1,414,000

The amount exported has also increased from 1844 to 1859 from 4,900,000 lbs. to 20,148,000 lbs. This much decried duty is also most economical in its collection. The total expense of collecting an annual sum of a million and a half is only £6,250. If any noble Lord should doubt that statement, he will find it supported by the authority of Sir Henry Parnell's Commission of Inquiry in 1835. The Report of that Commission contains returns showing that no greater a reduction than the sum of £6,250 could be effected in the charge for the Excise establishment by the total repeal of the paper duty. Compare that charge with the cost of collecting your other Excise and Customs' duties, or even with the cost of collecting your property tax, and you will see that you are now asked to part with the easiest and cheapest collected part of your entire system of taxation, and that which exhibits the steadiest increase. I had the honour myself, as Chancellor of the Exchequer, to recommend to Parliament the remission of one-half of the paper duty, as well as simplify and amend the law affecting the manufacture. Since that measure was adopted, the revenue received at the diminished rate of duty has increased from £715,000 to £1,400,000. In referring to the reduction of duty I allude only to the first class of paper, but including all used for writing and printing, the augmentation has been steady and continuous. I ask your Lordships by agreeing to my Amendment, to reserve to the House of Commons the opportunity of dealing with this source of taxation next Session, when avowedly the whole of our system of finance must be brought under their review. Do not, by a rash assent to this Bill, practically decide the fate of British finance for years to come by one hasty and ill-considered vote. I should freely appeal to the House of Commons to preserve to itself in the next year that freedom of action solemnly promised to them by the Chancellor of the Exchequer. I appeal to their own good sense to leave this part of the revenue to be discussed hereafter in connection with all other branches of the public income, when it can be seen whether we really have a surplus to justify us in dispensing with this tax, and if we have, which however I consider nearly impossible, whether the reduction of other taxes may not then be shown to involve smaller loss to the Exchequer and to afford greater relief to the community than the remission of the paper duties reduced as they already have been by myself to the amount of 50 per cent. Reject the fallacies which have been forced on your attention. My Motion does not ask the House of Commons to surrender any of its valued privileges. I do not even call upon your Lordships to affirm that circumstances may not yet arise when under more favourable circumstances it might be shown expedient to abolish the paper duty; but I hope by our vote to-night we shall induce the House of Commons to claim for itself what it is well entitled to claim in prudence and sound policy—namely, an opportunity of wisely and dispassionately considering the whole question of our taxation, and not the paper duty only, but of that duty as compared with all the other taxes which press upon the trade and industry of the country. My noble Friend the President of the Council referred to the cause of education, and the advantage which it would derive from a repeal of the paper duties. I was really astonished that his good sense did not lead him to discard that threadbare and clap-trap argument. He well knows how much of the duty is paid for packing, not printing, paper. The Chancellor of the Exchequer himself admitted that the paper duty charged on books was scarcely felt. He was candid enough to state, as an example, that Bishop Colenso's Arithmetic was only raised a small fraction in price by the tax—I think the amount of the tax was but three farthings—a sum that would scarcely be shown in the price at all. If the President of the Council will only take any one of the excellent schoolbooks circulated under his administration, in the National schools, and weigh the small fractional part of the price which the paper duty represents at 1½*d.* per pound, he will find himself compelled to agree with me

that such increase of price can form but a very insufficient argument indeed for the abolition of the tax under present circumstances, and the sacrifice of £1,400,000 of well paid revenue. Nor would this sacrifice benefit the consumer. So long as there is a deficiency in the raw material of paper, a repeal of the tax will produce no reduction of price. If the duty on Constantia and Johannisburgh wines were repealed, no fall of price would ensue. The wine is a monopoly from the natural limitation of its quantity. Under the French treaty we are in this position, — you have either to submit to a prohibition or a prohibitory duty on the exportation of foreign rags; and I should like to know how any reduction of duty without an increased supply can give a real relief to the consumer. It is only when you can get the power of making more paper that the price will be diminished in the market. It was not for the noble Earl, then, to use the hackneyed, worn-out argument that the Excise on paper was a tax on knowledge, and that the diffusion of knowledge was a reason for throwing away a million and a quarter of revenue. But I have detained your Lordships too long. I have endeavoured to state the case in no adverse manner to the Government. The course I have adopted upon this occasion is the same I have taken every year whenever I thought the financial arrangements objectionable. The noble Earl opposite knows well that on former occasions when he was in the Government I commented with equal freedom on his financial measures. I have felt it right, from the position I formerly held, and that which I now hold, to pay some attention to questions of this kind, and to state my opinions on them, though financial questions are, I fear, somewhat distasteful to many of your Lordships. I am the more bound to thank you for your indulgence, and I now beg to move that this Bill be read a second time this day six months.

Amendment moved, — To leave out ("now") and insert ("this Day Six Months").

Lord DUFFERIN: My Lords, having formerly had the honour of being connected with the Government, but being now released from the obligations which that relationship is supposed to entail, I might take the opportunity of criticising the present measure and illustrating that criticism by a hostile vote. But I confess that, after anxious inquiry and due deliberation, I have come to the conclusion that it will be my duty on the present occasion to give to Her Majesty's Government my most hearty and conscientious support. I cannot help thinking that this is a case in which it is very much to be deprecated that your Lordships should refuse to give your assent to the measure which has been placed on your Lordships' table. This, I think, will be admitted to be no ordinary occasion. The interests involved in this discussion are, at all events as far as your Lordships are concerned, of far greater importance than any of those with which you are generally called upon to deal. The interests at stake, I may be permitted to consider, are more important than the integrity of a Budget, the reputation of a Minister, or even the existence of a Government. The issue of to-night's discussion involves the reputation of your Lordships' House for wisdom and moderation, and willingness to act in accordance with the spirit of the Constitution. The noble Baron (Lord Monteagle) has criticised with very great severity the financial measures of the Government. Of course whatever falls from him is worthy of your Lordships' attentive consideration, and it would be very presumptuous on my part to attempt to follow the noble Baron into that part of the subject. I could not speak on it with anything like authority, and I am not ashamed to confess that I do not feel competent to deal with it. But there is another part of the subject to which, with your Lordships' indulgence, I would venture to refer for a few moments—I mean the Constitutional part of the question. I confess it is most painful to me to find myself compelled to place any opinion of mine in opposition to that announced by a noble and learned Lord for whose ability, character, and experience it is no exaggeration to say that I entertain the profoundest veneration. I feel, my Lords, that I am but like David against Goliah, with this unfortunate difference, that I cannot presume to have a Divine mission. But, after all, every educated gentleman must have attended somewhat to the Constitutional history of his country; and it is almost impossible for any individual, however humble, not to have formed some very decided opinion on many constitutional points involved in this discussion. With due deference to the noble and learned Lord opposite, I must say it seems to me one of the plainest doctrines enunciated by the Constitutional history of this country, that when the Crown applies to

Parliament for the Supplies to meet the necessary expenditure of the year, it is not your Lordships who are called to undertake the responsibility of deciding how these Supplies are to be provided, or the delicate, difficult, and invidious task of determining how, and in what manner, the necessary taxes of the year may be best adjusted, so as to bear with the least severity on the shoulders of the people. It is the people of this country who themselves have the right of determining how those burdens which they must bear may be most conveniently borne. My Lords, I should be very sorry for one instant to deny your right to deal with any Bill, of whatever kind, to which your assent is asked. The very fact of your assent being required is a sufficient proof of your power of rejection, and I can quite conceive that the occasion may arise when it would be your duty to exercise that power. I do not mean to say, my Lords, that any amount of popular clamour ought for a single moment to be urged as a ground for dissuading you from exercising those powers with which, in accordance with the principles of the Constitution, you are invested. I cannot, however, but think that we should be acting contrary to usage and to the spirit of the Constitution in resorting to the extreme exercise of any one of those powers except upon the most urgent and solemn occasions. The noble and learned Lord opposite, as well as the noble Baron who moved the Amendment, insisted with much earnestness on certain precedents which they quoted in support of their views in this discussion; but, with all deference, I doubt very much whether there has been a single instance in which a financial scheme initiated in the House of Commons has been interfered with in this House, except on political or economical considerations, with which we are not in the present instance called upon to deal. The noble Baron who moved the Amendment laid great stress on the loss to which the revenue would be subjected if the Excise duty on paper were repealed, and even went so far as to capitalize its amount. Now, I cannot help thinking, with all due deference to the authority of the noble Lord, that, to found any argument on the capitalization of the tax, is most unjustifiable. A tax which has been condemned by a Resolution of the House of Commons is like a tree which has been scathed by lightning, and which, though it still may live, puts forth only a sickly vegetation; but a tax upon which execution has been actually done is like the same tree cut off close to the ground, all efforts to restore it to vitality or to cover it with foliage or fruit being in vain. There is one other point which I would urge upon your Lordships' attention on the present occasion. During the last few years, it seems to me, a great change has taken place in public opinion; sensible people have been revolted by the misrepresentation and exaggeration of men whose strong prejudices tend to render their great talents of less use to their country than would otherwise be the case. These persons have by means of misrepresentation and the use of exaggerated language, sought to wean public opinion from looking with favour upon your Lordships House; but I firmly believe that the only effect of the exaggerated language held in regard to your Lordships' House has been to induce the people of this country to regard with greater affection and respect the time-honoured institutions of the realm, and I am persuaded that if your Lordships wish to confirm those opinions which have always existed, and which have lately gained more strength, you will, by meeting violence with moderation, by acting on the present occasion with dignity and in accordance with the spirit of the Constitution, justify the expectations of the people and give another proof of the claim of your Lordships' House to the consideration and confidence of the country.

The Marquess of CLANRICARDE:—My Lords, I entirely go along with those who assert the power of this House to vote with perfect freedom on the present occasion. I do not think there can, in a constitutional point of view, be the slightest doubt but it lies perfectly within our province to reject this Bill if we please. There exists, however, a wide difference between the possession of such a power and the hasty exercise of it. No man can doubt that the imposition of an additional penny in the pound in the case of the income tax has been generally associated with the repeal of the paper duty, and I contend that we should not in honour or honesty be, now that we have passed the Customs and the Income Tax Bills, justified in refusing our assent also to the measure under our notice. I was, I must confess, somewhat astonished to hear the noble Baron who moved the Amendment speak in favour of the tax which the Bill proposes to abolish, and against the expediency of continuing which, upon its

own merits, not only has a Resolution of the House of Commons been passed, but the opinions of almost every eminent statesman have, for the last ten years, been pronounced. That the tax is one which is easily collected I deny on the authority of those by whom the collection is made—the Board of Inland Revenue, and who state that it is accompanied with the utmost difficulty and hardship. My noble Friend says the tax has nothing to do with cheap literature; but what was it first imposed for but to check cheap publications? In the reign of Queen Anne a Message was sent down from the Crown complaining of the publication of scandalous and libellous prints; and in an answer to that Message steps were promised to be taken for the purpose of putting down such publications—first, by passing a statute requiring that all printers should be registered, and that not being considered sufficiently repressive, by the imposition of this tax upon paper, as a means of putting restraint upon literature. If the tax is no disadvantage, how is it that you have given an exemption to the printers of the Bible and the Queen's Printers? I was astonished to hear my noble Friend undervalue the cheap literature of the present day, because he is old enough to remember, as I do, what it was thirty or forty years back, when the Government was perpetually involved in prosecutions to put down scandalous and blasphemous publications. Now-a-days, if you look at the cheap publications, you will see that there are among them a large number which your Lordships may with advantage circulate in your own families, and from which you yourselves might derive information. The excellence of this cheap literature has driven that abominable trash which circulated in former times out of the hands of the people, and if there is any class of traders which deserves special consideration it is that class which is engaged in the spread of this useful cheap literature. It is absurd to say that such enterprises are not affected by the duty, for 1½*d.* per lb. duty must, as a matter of course, amount to a considerable sum where the manufacture of cheap books is carried on to an enormous extent. The effects of the paper duty are however not confined to literature—it affects every trade and every shopkeeper in the country; it acts in effect as an export duty on a great quantity of manufactures, and, moreover, the foreigner who imports goods into this country has no duty to pay corresponding to it. My noble Friend says that public credit will be affected by thus dealing with permanent sources of revenue, but I deny altogether that this can any longer be called a permanent source of revenue. The last House of Commons, with the approbation of the Government, passed a Resolution to the effect that it ought no longer to be so regarded. The tax hampers invention to an extent of which your Lordships can scarcely be aware without inquiry, and it has also a very prejudicial effect in checking the discovery and trial of new raw materials for the manufacture, the deficiency of which is just now so much complained of. I agree with my noble Friend that we are just now in a period of financial embarrassment; but it is not the first time, in his own experience, that there has been a deficiency—if deficiency there be—which has not been at once provided for. I deny, however, that there is a certainty of a deficiency, because it is almost impossible to foresee the elasticity of the revenue so long as this country continues prosperous, and that elasticity is never greater than when you have removed some item of ill-judged indirect taxation. I admit that the requirements of the country next year may be great, and that the state of affairs abroad renders circumspection necessary. But it is not by rejecting this Bill and retaining the paper duty that you will meet those requirements. I do not like to prophecy, but I cannot help expressing my opinion that if you reject this Bill, you will do that which many able agitators have in vain attempted to do of late years, and you will bring about a state of things which will have a serious effect on the prosperity of the country. I believe that if you reject this Bill, you will do much to create a spirit favourable to violent Reform, and to give an impulse to that agitation the absence of which has been so remarkable and so much a subject for congratulation. In voting for the second reading, however, it is not that I think the financial prospects of the country encouraging, or that a dangerous tendency has not been shown to place upon property an undue share of the burdens of the country by means of direct taxation; I do so because I believe the House is bound by the position of this question to keep faith with the public, and because I have little doubt that the elasticity of the revenue will speedily replace the temporary loss occasioned by the great boon which the remission of the paper

duties would confer on the industrial classes.

THE DUKE OF RUTLAND: My Lords, I certainly cannot acquiesce in the argument which seems to be put forward, that because the Budget and the Treaty have been agreed to, and the principle of the Reform Bill has been sanctioned, we are therefore bound to pass the Bill for the repeal of the paper duty. I agree that in considering the merits of the question it is necessary to regard the subject in connection with the whole financial scheme. The noble Marquess (the Marquess of Clanricarde) has arrived at the conclusion that the financial condition of this country is one of great embarrassment, and, therefore, he says he will vote for the repeal of a tax amounting to nearly a million and a half. The inference seems to me to point in the opposite direction.

THE MARQUESS OF CLANRICARDE: I did not say, "therefore." The noble Duke has added that word, which makes all the difference.

THE DUKE OF RUTLAND: I beg to retract the word "therefore." I never was so much astonished as when I read the speech of the Chancellor of the Exchequer and his plans. His Budget, which has been correctly characterized as "ambitious," if proposed by any Chancellor of the Exchequer, would have been extraordinary; but it is still more so when brought forward by the right hon. Gentleman who at present holds that office. It is impossible for your Lordships or for the country to forget the magnificent speech which he made in 1853, or the promises which he held out that the income-tax should be repealed in 1860. Was it not by that belief that he obtained the passing of the succession duty? The terms in which he then denounced the income-tax as unjust and immoral are fresh in our recollection, and in the following language he justly described the emergencies for which alone it should be retained:

"Times when the hand of violence is let loose, and when whole plains are besmeared with carnage, are the times when it is desirable that you should have the power of resort to this mighty engine to make it again available for the defence and salvation of the country." . . . . .

"The country after so many announcements that have been made to it, from time to time, that the income-tax was to be parted with has become, doubtless, incredulous on the subject, and may, perhaps, conceive that we are aiming at a fictitious and undeserved popularity when we seek to show that together with our remissions of indirect taxation we can enable the House to surrender the income-tax."—[3 *Hansard*, CXXV. 1365.]

The country might well be incredulous. The reasons given in 1860 for retaining that tax, had reference to the Chinese and Russian wars and to other circumstances which intervened, and which could not possibly have been anticipated; but I confess I am at a loss to find a single ground on which the remission of the paper duties can be justified while the income-tax is not only continued but increased. As to the Treaty which has been concluded with France, I must say that I cannot imagine a more one-sided arrangement, for it gives every advantage to France, whilst it reserves scarcely any for this country. As to the protective duty of 30 per cent, I believe it will prove worse even than has been expected, for, as I understand, the *ad valorem* duty is to be calculated on the present price of goods, and the specific duty will be based upon that. This, however, is nearly double what it usually is, and the duty will therefore probably be nearer 60 than 30 per cent. The noble Earl (Earl Granville) has alluded to the great prosperity of the country. I rejoice to think that even under the free trade system great prosperity, both agricultural and commercial, has existed. I say "even under the free trade system," because to show that it is not a consequence of free trade as the noble Earl imagines, I will refer to a comparison instituted by the Duc de Brabant in the Belgian Chambers, of the relative progress of the exports from Belgium, France, and England. From 1840 to the year 1858 the increase on English exports was in the ratio of 127 per cent; on French exports it was at the rate of 156 per cent; and on those of Belgium it amounted to 204 per cent. Therefore, France and Belgium, both countries in which protective duties prevail, have outstripped us in the race of commerce. The Chancellor of the Exchequer and the noble Earl opposite both think it highly desirable to follow in the footsteps of Sir Robert Peel. But, however prosperous they may conceive his measures to have been, the present financial schemes do not bear the slightest resemblance to them. The measures of Sir Robert Peel were founded on the principle of admitting the necessaries of life to the poor and of removing the duties off raw material. But the proposals of the present Government are to reduce the duties on wine, while they continue those on tea and sugar and do not favour the introduction of raw material. There is, however, one point of similarity, not between

the measures of Sir Robert Peel and those of the Chancellor of the Exchequer, but in the manner in which they have been carried. Sir Robert Peel was enabled by means of enormous majorities he commanded in the House of Commons to carry the repeal of the corn laws. No one but Sir Robert Peel could have done that. He did so from the highest and most honest convictions, I am sure. So also I am convinced the present Chancellor of the Exchequer, acting from similar motives, has been enabled by the power and popularity he obtained in 1853, by his promise that the income tax should cease in the present year, been enabled to double the tax which he was pledged to repeal. Now, as to the question before the House—the paper duties—I will not attempt to argue the constitutional branch of it after the brilliant and argumentative speech of the noble and learned Lord (Lord Lyndhurst), but with regard to the paper duty—I will only observe, that even if you have a surplus, there are other duties which I think should be repealed in preference. I do not desire to defend Excise duties. They were introduced by the Whigs, and they do undoubtedly press upon the industry of our own country; therefore I am not at all an advocate for their continuance. But I repeat, that if any are to be repealed, there are others which deserve a prior consideration to the paper duty. The noble Lord who spoke last referred to the Report of the Commissioners of Inland Revenue, but I will, with your Lordships' permission, quote a paragraph from the Report:—

> "These simple regulations leave the paper-maker comparatively free to adopt the best and most economical modes of working, and he can scarcely assert, as the maltsters and distillers do, that the cost of production is increased, or the quality of the manufactured article impaired, by the fetters imposed upon him for fiscal purposes."

If you wish to repeal an Excise duty I think the first for your consideration ought to be the malt tax, which increases the price of beer, a beverage far more to the taste of the poorer classes than any of the cheap wines which it is now proposed to introduce; but I question whether paper will be cheaper even if the duty be removed. The noble Earl opposite has alluded to the benefits conferred upon the consumer by the abolition of the duty on glass; but I remember the same advantages were held out when the duties on leather were removed—but I do not find that boots and shoes are at all cheaper, and I pay more for my saddles. The only advantage that is offered to me by the noble Earl, is that I may have a saddle made of paper which will be impervious to the wet. I will only add, that, looking at the state of the revenue, that the £400,000 surplus has disappeared; that there will be a certain deficiency next year, as the noble Lord opposite (Lord Monteagle) has shown, of £11,000,000, considering that there is no popular cry for the repeal of this tax, and having regard to the disturbed state of the Continent, I hope your Lordships will exercise your undoubted right, and reject this Bill.

LORD CRANWORTH: My Lords, if this had been merely a financial question, I should not have risen to take part in the discussion; but as the adoption of the Amendment would involve the House in much difficulty, I venture to say, with as much confidence as one can speak of a negative proposition, that this is a course that has never been before taken by the House. I know the great disadvantage I labour under in attempting to controvert any opinions expressed by my noble and learned Friend who has left the House (Lord Lyndhurst); but still I beg to say, notwithstanding all that has fallen from such an authority, that the course your Lordships are now asked to take is, if not absolutely unconstitutional, at least so thinly separated from what is admitted to be unconstitutional, that to ordinary minds the difference is unintelligible. What did my noble and learned Friend say? He said that we had the power to do that which we were now asked to do—that an existing tax could not be repealed without an Act of Parliament, and that such Act could not pass without your Lordships' concurrence. But that is a truism which never has been disputed. Of course a tax which actually exists cannot be repealed except by an Act of Parliament, and as no Act of Parliament can pass without your Lordships' concurrence, clearly your Lordships can withhold your assent. My noble and learned Friend quoted examples from the year 1689 downwards; but my noble and learned Friend must give me leave to say that he did not at all advance his argument thereby. No doubt this House cannot alter a money Bill without the consent of the House of Commons. All you can do is to reject a Bill, whether it be for relief or burden. But I say that from 1689 up to this hour no such step has been taken

by this House as to refuse to concur in the repeal of a tax in circumstances such as now exist. I will deal with the meagre precedents quoted by my noble and learned Friend presently. Let the House observe in the first instance, what we are now asked to do. The Crown has, in accordance with its constitutional functions, communicated to the House of Commons what are the wants of the State. Those wants have been discussed, modified, and approved, and in the exercise of their constitutional functions the House of Commons have found ways and means wherewith to carry the recommendations of the Crown into effect, and have come to the conclusion that this particular tax is not necessary for the wants of the State. Now, I am bold to say that a Bill founded upon such considerations having been passed by the House of Commons and brought here, there never has been since the Revolution an instance of this House rejecting such a Bill. My noble and learned Friend, treating the subject with great dexterity, has mentioned a few precedents, and stated that he had many others, to which, however, he would not refer; and until he stated them I was under the belief that my search, although laborious, had been imperfect; but when he told us what those precedents were I found that I was justified in my opinion that there had been no deficiency in my research, and that there are no substantial precedents to justify such a course as we are now asked to take. The first instance given my noble and learned Friend was in 1790, when this House rejected a Bill to relieve the coasting trade by removing stamps from certain documents. I do not mean to say that there are not instances where, upon collateral grounds, the repeal of some tax has been thought undesirable, and the Lords have exercised their right of refusing their assent to the repeal. But in this case there is a most important distinction which I must be allowed to point out without exposing myself to the charge of raising a mere lawyer's quibble. My noble and learned Friend, in referring to the precedent on which he relied, omitted—no doubt inadvertently—one little word which makes all the difference in the world. He described the Act as one to relieve the coasting trade by removing certain stamp duties. But the Act had several objects. It was to relieve the coasting trade, to remove certain stamp duties, and to abolish the necessity of giving certain bonds to the Crown. Now it is matter of A B C that if anything is tacked to a money Bill, this House has a constitutional right to deal with it and to reject the whole if it thinks proper, and in this case what was proposed was not merely to abolish a tax, but also to obviate the necessity of giving certain bonds. The Bill, therefore, had another object besides that of repealing a tax. The instance cited by my noble and learned Friend is open also to another observation. This House was moved to go into Committee on the Bill on Tuesday, June 8. They determined not to do so, and the prorogation came the next day but one. Now, the Lords might very well think that was not the way to treat them. The measure probably came before them at a time when there were not many in attendance; and this of itself would furnish sufficient grounds for rejecting it. Well, then, the two next cases quoted by my noble and learned Friend seemed to me not to touch the question. In two consecutive years, it appears, the House of Commons passed Bills to abolish the fees payable to certain Custom House officers. This House rejected them. Did those Bills affect the annual revenue of the country? Technically it may be that the Lords on those occasions refused to repeal a tax, but in substance they did not; and in these matters it is the substance, and not a mere technical analogy, to which we should look. The only precedent which seemed to me to possess any weight was that of 1811—I mean the Bill respecting molasses. But even that precedent was a good deal strained. In 1811 the price of wheat was enormous, averaging, I think, from 111*s.* to 120*s.* the quarter; and, of course, barley was dear in proportion. For the purpose of relieving the pressure occasioned by these high prices, the House of Commons introduced a Bill to reduce the duty on molasses, in order that distillation might go on mainly from sugar and not from corn. That Bill came up here on the 6th of May. Now, the important point in the case is, that the financial statement of the Government that year was not made till the 20th of May. No doubt, therefore, the Government wanted to know, before introducing the Budget, whether the Bill would be approved by the great landowners in this House; and in the debate, the Earl of Suffolk, who led the opposition to the Bill, gave a clue to the whole case when he said he was happy to find that the Motion was not to be made a party question. The

Government were, no doubt, sounding both Houses to see whether they would or would not adopt this measure as part of their financial scheme. The House, very likely thinking it was a covert way of interfering with the agricultural interests for the benefit of the West Indian interest, refused to pass the Bill; and a Budget was afterwards framed in accordance with that refusal. The case differed entirely from the one now before us, and the course of the Government was open to objection upon totally different grounds. It furnishes no precedent for the course which you are now asked to pursue. Here the Budget has been introduced and has been confirmed, one of its provisions being the repeal of a certain tax which is declared to be not wanted for the public service; and you are asked to say, "Though the tax is not wanted, it shall still be levied." These were the precedents of my noble and learned Friend. My noble Friend (Lord Monteagle), who moved the Amendment, alluded to two others, one of which occurred a century ago. From the nature of the tax it was evidently one which this House rejected, not upon any financial grounds, but because it was an interference with one interest in favour of another. In 1758 there seem to have been Bills to allow the importation of cattle from Ireland, and there was also the Tallow Bill. These were two measures having relation to Irish and English produce, and for some reason or other this House thought they ought not to pass. In any case they would only furnish a technical, and not a substantial precedent. Then, again, in 1816 this House rejected a Bill for taking off the duty on stone bottles. At that time the duty on stone bottles was a complicated one; there was one duty on bottles introduced from Ireland, and another on bottles manufactured in England, the general duty being one of 2*s.* 6*d.* per cwt. All we know is that a Bill for repealing the duty passed the House of Commons, and was brought up to this House, and that five days before the Prorogation, this entry occurs in the Journals:—"Present, so and so:—Order of the Day for going into the Stone Bottle Bill, put off for Six Months." The Government appear to have been misled into proposing something which ought not to have been proposed; for in the next Session they introduced a Bill, not for taking off the duty, but for doubling it, and the duty accordingly became 5*s.* instead of 2*s.* 6*d.* These precedents are equally invalid as regards the substance of the present Bill. I am aware that this kind of detail is rather dull, and I will not abuse the kindness which your Lordships have shown in listening to me so far by going more minutely into the question. I cannot, however, conclude without expressing a hope that your Lordships will not on this occasion take a step sanctioned by no substantial precedent since the Revolution. I do think that by attempting to make such a precedent in the case of a tax which has been more than once disapproved on principle by the other House of Parliament, and which affects a most influential class of the community, you will be taking a step which will very materially endanger the high position which I am persuaded you hold in the estimation of the country, and which you will continue to hold so long as the country sees that you neither actually interfere with the constitutional rights of the other House, nor do that which is not to be distinguished from such an interference — namely, refrain from imposing, but refuse to repeal a tax, such a step, sanctioned by no precedent, will, I say, be likely to endanger your high position during the discussion of questions which are looming probably at no very great distance, and which may then render it almost impossible for you to retain that hold on the feelings of the country which I believe you now deservedly enjoy.

LORD CHELMSFORD: My Lords, I undoubtedly thought, after the admirable speech of my noble and learned Friend at the commencement of the evening, that the constitutional part of this question was entirely settled; and I do not understand, though I have listened with the greatest attention to my noble and learned Friend (Lord Cranworth), whether he means to deny the principles upon which the constitutional proposition has been established, or whether he merely means to submit to your Lordships that because it would be unprecedented to interfere in the way proposed, therefore it would be impolitic and inexpedient for you to do so. My noble and learned Friend does not deny the power of the House to refuse its assent to this Bill. We have heard no denial of that proposition, and none, indeed, can be offered; because it stands to reason that if your assent is required before this Bill can become law, it necessarily follows that you must have the power of withholding your assent—this, in other words, being the power of rejecting. We are all agreed as to the

privileges of the two Houses of Parliament with respect to money Bills. We are agreed in reference to Bills of supply and taxation that your Lordships have, at all events, the power to reject them. You have to a certain extent admitted that you have no power to alter money Bills. A Resolution of the Commons to that effect was passed in 1678; your Lordships, however, have never absolutely admitted that you have no power to alter money Bills, though you have acquiesced to a certain extent in that Resolution, and have taken care not to exercise that which may still be the privilege of your Lordships' House; or if you have exercised it, the other House has taken care to assert its own privileges in such a manner as not to violate the constitutional rights of the other House of Parliament. There are many instances since 1678, in which your Lordships have made Amendments in money Bills. Those Bills have then gone down to the Commons, and supposing the Commons have not thought those Amendments improper, they have preserved their privileges and asserted their dignity by refusing to assent to those Amendments, but have introduced another Bill embodying the Amendments proposed by the Lords. In that way the privileges of both Houses of Parliament have been maintained. I understood my noble and learned Friend who has just spoken, not to deny the principles asserted by Lord Lyndhurst; but he says that the course which the House is called on to pursue, is entirely unprecedented and dangerous, therefore, to be adopted. My noble and learned Friend stated that Lord Lyndhurst had treated the subject with great dexterity by staying that he would mention a few precedents, and that he had many others to which he would not refer — insinuating thereby that that noble and learned Lord had in reality brought forward all the precedents he had been able to discover; and my noble and learned Friend then proceeded to maintain that the precedents which had been brought before the House are not at all like the present case. I, however, ask whether they are cases of money Bills or not? Lord Lyndhurst, however, gave us two instances, not of Bills imposing taxation, but of Bills for the relief of taxation, which were rejected by your Lordships' House. It has been stated that those Bills were rejected partly for political and partly for economical reasons. But what does it signify what were the reasons for rejecting them? If they were rejected by your Lordships for economical reasons, that is a proof that in dealing with money Bills this House exercised a power which would hardly be contended for by those who say that your Lordships have no right to interfere in these matters. The precedent of 1811, which my noble and learned Friend tries to disable, he has, I think, found too strong for him. That was the case both of the remission and imposition of taxation; and on that occasion this House rejected the Bill. The Commons, instead of making any complaint that there had been an infringement of their privileges, silently introduced another Bill, and that Bill became law. My noble and learned Friend appears to have been reading the journals of the day, and to have adopted the argument which I saw in the leading article of one of them, to the effect that it is the duty of the Commons (as undoubtedly it is) to provide the ways and means for the supply of the year, and that this House has no right to interfere at all with those ways and means, but is bound to adopt them. Now, suppose one of the ways and means devised by the Commons should be a tax highly objectionable and known to be one which the people at large regard with no favour or satisfaction; though it is admitted that the assent of this House is required for the Bill, and, though it is equally admitted that this House has the power not to assent to it, yet we are told that we must not touch the ways and means provided by the Commons. So that in the same breath we are told that we have the power to express concurrence or dissent, and that we have no such power. Is it possible that such an argument can prevail with your Lordships, and yet what other arguments have been advanced by the noble and learned Lord? But it is admitted that we have the power and the right to dissent from a money Bill. If then your Lordships have the power and the right you have also the corresponding duty to decide upon this Bill; the one cannot be without the other. And if, as I believe, not one in a thousand of the people if polled would vote in favour of the remission of this tax while the tea and sugar duties are maintained, then I ask your Lordships whether, having the power and the right, you are not bound to reject this Bill, seeing that the taking off of this tax will render necessary an increase of the income tax and the maintenance of the duties on tea and sugar. If we have the right, what better opportunity

years which has elapsed since 1853. It is a remarkable fact that when Sir Robert Peel first imposed the income tax, he did so mainly for the purpose of remedying a deficiency. In his great speech of 1842, comparatively little stress was laid on the subject of commercial reform. His chief arguments went to show the enormous deficiency with which he had to deal; but when 1845 came round, so successful had his commercial policy been that he was enabled to inform Parliament that he was actually in a condition to dispense with the income tax if Parliament so desired. At the same time, he advised Parliament to adopt another course; he recommended it to continue the income tax with special reference to the continuance and extension of those great commercial reforms which had already given indication of such eminent success. But when the next period of revision came round, mark what took place. Then appeared the great danger of the income tax when used as a mere ordinary instrument of finance. The Government of Lord J. Russell, in 1848, proposed an increase of that tax in time of peace, and they made that proposal without reference to any other object than provision for a large expenditure. I believe that proposal was a great mistake; but I say that no Government ever had a better excuse for such a proposition. There had been an accumulation of calamities in the country, and a consequent failure in the ordinary sources of income. There were the effects of the Irish famine; there was an expensive war raging at the Cape; there had been a financial crisis; and last, not least, there was a revolution in Europe, which, to a great extent, excited the minds of the people of this country, and for some time previous to the breaking out of that revolution, the attention of the country had been set, precisely as it has been lately set, upon the question of fortifications for national defence. It was to enable the Ministry to deal with this position of affairs that Lord J. Russell's Government proposed the increase of the income tax—an increase, let me again observe, no longer connected with any commercial reforms whatever. Now, what was the immediate result? The proposal of the Government was resisted with indignation; they had to bring in a new Budget, and it was with great difficulty that they even secured the continuance of the income tax at the former rate for a further period of three years. What is the lesson that I wish to draw from these events? It is that which I have already endeavoured to impress upon this House, that a high rate of income tax, to be tolerated by the people of this country in a time of peace, must be connected not merely with deficit, but also with commercial reforms. I say that with this history before us, with our knowledge of what happened in 1848, and with what we knew of the principles with which the income tax had been hitherto connected, it would have been absolutely fatuous in us to come down to Parliament and to ask for a high rate of income tax in a time of peace without making any attempt to continue those great reforms of which it has been the efficient instrument, and by which mainly it has secured the acquiescence of the country.

I am not going to dwell upon a mere question of Parliamentary position; at the same time, as we have in the course of this evening been twitted, indirectly, no doubt, but still pretty distinctly, with a certain amount of supposed alliance with the hon. Member for Birmingham, whose opinions are naturally obnoxious to the Members of this House, I may be allowed to say that we have never observed on the part of the leaders of the Conservatives in the other House of Parliament any great reluctance to join with Mr. Bright whenever a fitting opportunity presented itself, and I am certain that if the Government had come to Parliament with a policy so absurd as that of asking for a high rate of income tax in a time of peace, without connecting it with any commercial reforms, we should have seen, and should rightly have seen, an immediate junction between the Conservative leader in that House and the Liberal section which goes under the name of the Manchester school. I have not a doubt of it; but whether we should have seen that or not, what I say is, that such a junction would, under the circumstances, have been justifiable. We could only have defended the adoption of the course which I have mentioned upon the ground that there were no more commercial reforms to be effected such as those which had been so successful in previous years. But if we had made such a statement, we should have been immediately met by the emphatic statement of Mr. Disraeli that great reforms had still to be effected, and that this was the time to accomplish them. In order that I may not be supposed to speak without book upon this subject, I beg to refer your Lordships to a speech which was actually de-

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livered by Mr. Disraeli upon this very question of the paper duty at the time that a Resolution upon the subject was assented to by the Government of noble Lords opposite. In June, 1858, Mr. Disraeli made a speech, in which he stated to the House of Commons the reasons why he deprecated the passing of that Resolution in the form in which it then stood, and he said:—

"I agree with the right hon. Gentleman 'that the maintenance of the Excise on paper as a permanent source of revenue would be impolitic;' but I cannot agree with him 'that such financial arrangements ought to be made as will enable Parliament to dispense with that tax.' I think that if a Resolution such as that contained in the latter part of his Motion is carried, you will only cripple and hamper the Government; and I do not think it is fair to hamper the Government with any such declaratory Resolution on this particular tax, as we entertain very little difference of opinion on the topic with the right hon. Gentleman who proposes this Resolution."—[3 *Hansard*, cli., 125.]

Now this is the passage to which I wish to direct the attention of the House:—

"The paper tax alone, however, is not the only tax forming one of the great sources of revenue derived from indirect taxation that requires our consideration. Whether we look at the revenue derived from our Customs, or at the various branches of our inland revenue, there is no doubt that notwithstanding the great changes and the great improvements which have occurred with respect to the mode of raising the revenue in these two particular departments during the last ten years, or I might say, generally speaking, during the last twenty-five years, still there is a great deal that deserves our consideration, and still there is great room for improvement in both these branches. Now, there are many duties in our Customs that really do not pay the cost of collecting and receiving them. That is a state of affairs which, in my opinion, it is not at all desirable should be maintained."—[*Ibid.*]

And he concludes:—

"I am not prepared to say that the tax upon paper itself is not one which requires, if not immediate, yet early consideration; but the subjects are so numerous, both in the Customs and in the Excise, that I think it is the duty of the Government to submit both these branches of the revenue to an early and severe revision."—[*Ibid*, p. 126.]

Now, if we had come to Parliament and said, "There are no more reforms that will pay as well as those which were initiated by Sir Robert Peel," we should have been met by this declaration—that both in the Customs and Excise, and in other branches of the Revenue, there were many duties which actually did not pay the cost of their collection, and I have no doubt that that argument would have been used successfully in Parliament.

In passing, let me remind your Lordships of one special danger connected with the maintenance of a high rate of income tax in time of peace, if it be not used as an instrument of reform. I mean the danger of breaking down the structure of the income tax by reviving the agitation for a different scale of duty upon different kinds or sources of income. When did that danger arise? Precisely at that period when commercial reforms had ceased to be connected in the minds of the people with the continuance of the impost. It was with some surprise that I heard the noble Duke (the Duke of Rutland), who spoke a few minutes ago, allude to the speech of my right hon. Friend (Mr. Gladstone) in 1853, for no other purpose than that of blaming him for not having fulfilled the promises which he then made. I think that the noble Duke ought to remember that great effort of Mr. Gladstone with reference to a very different question. He ought to remember that when, as I think, by the mismanagement of the Government in which the noble Duke placed confidence, the question of the income tax was approaching a very dangerous solution, when those who were the natural leaders of the owners of real property had given up the sound financial principles which had hitherto been maintained by every finance Minister in this country; when a Conservative Government had announced that they meant to establish a different rate of taxation against the owners of real property, compared with those who derived their incomes from trades and professions, it was by the individual efforts, by the genius, the eloquence, and, let me add, the public virtue of my right hon. Friend, that that great danger was averted, and an equal rate of income tax was maintained. Then, I say, my Lords, that every consideration impressed upon the Government the absolute necessity of maintaining the connection between a high rate of income tax and the continuation of the great commercial reforms which were commenced by Sir Robert Peel.

The noble Duke has said that the reforms which we are proposing are wholly different from those of Sir Robert Peel. I venture entirely to dispute that proposition. I remember that during a former debate in the course of the present Session, the noble Earl opposite (the Earl of Derby) said that we upon this bench were perpetually endeavouring to confound our reforms with those of Sir Robert Peel, but that in reality there was a very wide distinction between them. We might say

that the noble Earl had been perpetually trying to establish a distinction which did not exist, and these assertions would be equally valueless unless supported by distinct arguments. I venture to propound this as a test of the similarity of the duties which we are about to repeal to those which were abolished by Sir Robert Peel. I say that all the duties which were repealed by Sir Robert Peel came under one or other of these four categories; either they were duties which were protective, and which we, on this side of the House at least, believe to be ruinous in principle, limiting trade and not benefiting those for whose aid they were intended; or they were excessive, limiting the consumption of the articles upon which they were imposed; or they were trivial in amount, and not worth the cost of collection; or, lastly, they were taxes interfering with process. Now I venture to assert that among the taxes which we repeal there is not one which will not come under one or other of these heads. All those taxes are either protective or trivial, or very often both, or they are so excessive, as in the case of the wine duties, as greatly to limit consumption, or, as in the case of paper, they interfere with process and in a special manner limit the trade and enterprise of the country. I shall be very glad to hear any noble Lord point out a single tax which does not come under one or other of those heads. The wine duty, by the reduction of which we make the largest sacrifice upon any one item, is beyond all others which now exist a tax which is of so high an amount as to limit consumption. Whatever may be thought of the policy of increasing our commercial relations with France, and however much some noble Lords may doubt whether the increase of consumption will repay the loss of revenue, no noble Lord will venture to dispute that that tax limits consumption to an enormous extent. The next principal item is silk; that was one of the principal articles referred to in the French treaty. The duty upon silk was strictly a protective duty; and I will mention to the House another reason which induced the Government to propose its repeal. It was one of the objects of my right hon. Friend the Chancellor of the Exchequer to gain a revenue not merely by the imposition of new taxes, but also by effecting a saving in the establishments of the country. Now, I have been informed by the officers who preside over the Customs department that of the duties which necessitate the employment of a skilled and expensive class of officers the silk duty stood far above all others. And this for obvious reasons, because a large class of skilled officers have to be employed in protecting the silk revenue by watching other fabrics into which silk enters, but of which it does not constitute the sole material. It is desirable to get rid of that class of officers, but their services cannot be dispensed with unless the silk duties are repealed. I mention that as only one instance of the manner in which these taxes have been selected.

This brings me to a point of great importance with reference to the question of indirect *versus* direct taxation. It is a very common error to suppose that because there are many items in our Customs' tariff they have the effect of dispersing the revenue over a great number of articles, and of thus broadening the basis on which our indirect taxation rests. I hold in my hand the amended tariff of Mr. Gladstone's Budget. It has greatly alarmed some noble Lords. There are only forty-eight articles altogether retained in it. That fact, I believe, makes the hair of many of my noble Friends stand on end. What a revolutionary measure! they say. How it endangers the whole system of our indirect taxation! But have those noble Lords considered from how many of the existing articles the great bulk of our revenue is raised? I have inquired into this matter, and the result, I confess, surprised me. I took the whole Customs' revenue for the year before last, 1858. There were then about 420 articles on the tariff, yielding a revenue of £23,299,570, and I found that the whole of that vast sum, with the exception of only £850,000, was raised from eleven articles alone! Is it, then, very revolutionary to sweep from a long list of articles some 370 which produce on an average little more than £2,000 a-piece, and yet add in no inconsiderable proportion to the total cost of collection? Now, how has Mr. Gladstone treated the eleven articles which, as I have shown, contribute all but a fractional part of your entire Customs' revenue? He has abolished only two of them, and these among the smallest—butter and silk; whilst at the same time he has made one not unimportant addition to the number. Among the various reductions made in recent years, that which appears most to have failed in respect to the replacement of revenue was the reduction of the duty on coffee. Several reasons have been as-

signed for this, but the principal one is that coffee has become adulterated to a very large extent with chicory. Now, so careful has Mr. Gladstone been, not only to strike off unproductive duties, but to select for retention those which really pay, and to build up others which appeared to decay from causes capable of being removed, that he has endeavoured to aid the revenue from coffee by imposing a new duty on chicory calculated to yield from £90,000 to £100,000 a year, an amount, as the House will see, that will fully compensate for the disappearance from the tariff of many dozens of trumpery articles hitherto included in it. I mention this case, my Lords, as an instance of the care and the knowledge displayed by Mr. Gladstone in his revision of the tariff, a care and knowledge which stands in marked contrast with the vague fears and loose assertions with which my right hon. Friend has been assailed.

The noble and learned Lord (Lord Lyndhurst), who himself spoke with such eloquence to-night, praised the eloquence of my right hon. Friend's speech in proposing the Budget; but he ended by drawing a marked, and, I thought, somewhat invidious, distinction between the eloquence of Mr. Gladstone and his prudence or wisdom. Now, I venture to maintain that, if ever there was a speech delivered in Parliament free from anything like mere declamation, it was the speech with which my right hon. Friend introduced his financial scheme to the consideration of Parliament. With the exception of the last sentence, in which some play of fancy is usually allowed to an orator, it was strictly and exclusively a clear statement of facts combined with close reasoning and the distinct enunciation of principles. There was not a single word calculated to carry away the imaginations even of the most popular assembly; although, indeed, the whole address went to the heart and intellect of those who listened to it.

It seems, my Lords, to be a general agreement on both sides of the House that there should be very little debate on the subject of the paper duty itself. Although we are now nominally discussing the repeal of those duties, yet that question has been mainly considered with reference, not to its own merits, but to its connection with the general financial affairs of the country. I wish, therefore, to solicit attention to only one or two observations bearing upon this particular tax. In the first place, I think that nobody will deny that the paper duty stands very much in the same category with the Excise duties upon soap, upon glass, and upon bricks. These are the three great branches of Excise which have been successively abolished either by Sir R. Peel or by Governments which have succeeded his; and the paper duty is the only remaining branch of the Excise which stands in the same class and rank. I think it is quite impossible to dispute that this tax does interfere with trade and production. Among the petitions presented by a noble Earl opposite on this subject was one from the town of Leeds; and, as that petition was introduced with some remarks that led me to believe it possessed some importance, I have taken the trouble to read its prayer and look at its signatures. I confess, my Lords, that I was rather astonished at the arguments used by the petitioners to influence your judgment. They say that "the increasing expenditure for the national defences has imposed on the middle and upper classes a largely increased burden of taxation." I venture entirely to dispute the proposition that the burden of taxation has rested exclusively or even mainly on the upper and middle classes, as distinguished from those below them. Without going farther back than this very Budget, it is surely a fact not undeserving of consideration, that, although the Tariff Bill which was passed a few nights ago was condemned by the noble Earl opposite as involving a reckless sacrifice of revenue, that measure actually imposed more duties than it took off. It reimposed duties comparatively high on tea and sugar. Those duties are not raised exclusively from the higher classes, but the great bulk of them are paid by the middle and lower classes. I am not now supporting the assertion, which however is frequently made, that these duties on consumption are levied substantially on the working classes. This may be an overstatement of the case. But undoubtedly the working classes contribute a very large share of the total revenue derived from those sources. Therefore, it is not true to say that the taxation imposed on the country for the national defences is, even as respects the Budget of this year, entirely or mainly thrown upon the upper and middle classes. The Leeds politicians, speaking, I presume, of the income tax, say, "that by diverting capital from its natural channels, it must, if it is long continued, impede the development of the industrial energies of the people." I

have no doubt that the income tax is a serious inconvenience; but how it can divert the capital of the country from any particular channel I am at a loss to conceive. At least, I am prepared to maintain that it cannot have that effect to anything like the same degree as taxes levied from special branches of industry or modes of production. The petition goes on to say, "that under these circumstances your petitioners have viewed with alarm the fact that the House of Commons has passed a Bill for the repeal of the paper duty, the collection of which has been a fruitful source of revenue, bearing with equity upon all classes, and protecting from foreign competition a large and important branch of manufacture." There, my Lords, we get at the true argument; and I am bound to say it has been frankly avowed by certain noble Lords, who admit that the paper duty is to a great extent a protective duty. The fact is, that all these Excise duties on one particular trade tend to concentrate that trade in the hands of a few great capitalists, who prevent other capitalists from entering the field. Thus they most seriously interfere with trade. And how is it that we have interested persons coming forward to ask your Lordships not to repeal this tax? Why, some of these large papermakers know very well that the moment this duty is repealed a very considerable number of mills, requiring a small capital to establish them, will spring up and enter into competition with them; or, on the other hand, they apprehend that foreign paper will be introduced more cheaply.

I say, then, that if these persons dread the rivalry of their own countrymen at home, or of the manufacturer abroad, in either case that is an argument why, in strict consistency with the principles you have adopted for the regulation of your finance, you should press forward in the abolition of these taxes, rather than suffer them to continue. Several noble Lords have spoken to-night as if the paper duty could be maintained as a permanent source of revenue. The noble Mover of the Amendment has, indeed, gone so far as actually to capitalize the produce of this duty, valuing it, I believe, at thirty years' purchase. Now, I will strike a bargain with the noble Lord. I will give him long odds that the paper duty will not last much more than another year. If he will give me only one more year's produce from it, I will give him his chance of all the rest.

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After a tax of this kind has been given up by the House of Commons, with the consent of the Ministers of the Crown, it is utterly hopeless to suppose that it can ever be maintained as a permanent source of taxation. It can only be handed over for further agitation, involving the commercial community in constant agitation and uncertainty.

This brings me, my Lords, to the last part of the argument with which I shall trouble the House. I am not going to deny the legal power or right of this House to refuse any Bill which may be sent up for your assent. Unlike, perhaps, most Members of this House, I have never had the honour of belonging to any other assembly, and my own feelings are as warmly interested in maintaining the powers and privileges of this House as those of any other Member can be. I fully admit you have the legal power and the legal right to refuse your assent to any Bill which seeks it. But surely legal power and legal right are wholly different from constitutional practice. It is vain to deny that many, perhaps most of those who will support the Amendment to-night, are aiming at the condemnation of a policy of which this is but a single and almost the last remaining step. The repeal of the paper duty stands on precisely the same grounds as the repeal of the soap tax, the repeal of the glass duty, and of the duty on bricks. I contend, therefore, that you are aiming at the condemnation of a policy which has been eminently successful, and which on repeated occasions has received your own assent. But there are objections applicable to the paper duties which did not apply to the other taxes to which I have alluded. Unlike almost any other tax, the paper duty has been twice condemned by the House of Commons. It has been condemned by an abstract Resolution, and afterwards by a Bill passing through all its stages. Surely this is a very strong reason why, in the exercise of a wise discretion—to put it on the lowest ground—your Lordships should not exercise your strictly legal right. But there are grounds somewhat higher. I fully admit that there is no technical distinction between rejecting a Bill imposing a tax and a Bill repealing a tax. But every noble Lord must feel that it does make a very serious substantial difference in respect to an unusual exercise of power, whether it be exercised in relief, or in the imposition of a burden on the people. The very gist of my objection to such a course

is that the danger of it does not lie in technical grounds—it lies on substantial grounds. In opposing the repeal of this duty you are going to the very heart and root of the constitutional powers of the other House of Parliament. You are not invading their technical privileges; you are not transgressing your own technical privileges; but in truth and in substance you are striking at the very root of the constitutional usage which has hitherto regulated the relations between the two Houses. It is not that this is a money Bill merely. We have rejected many Bills which involved taxation. But there is a plain distinction between a mere money Bill and a Bill of Supply. There are money Bills of every kind and degree, from those partaking of the nature of a "Tack," against which this House has always protested as an invasion of your own privileges—to others, which, though involving taxation, involve also questions of general policy. I believe if you examine the precedents brought forward to-night by the noble and learned Lord, it will be found that, although they were all money Bills, not one of them was, in the proper sense of the word, a Bill of Supply. I happened last week to see the same list; I went with some care over each of them, and I believe I am correct in saying that not one of them was in the nature of a Supply Bill. I beg to direct the attention of the House to the peculiar nature of what are called Supply Bills. I will take the very Bill we are now proposing to repeal. This is the preamble of a Supply Bill, entirely different from ordinary Money Bills, which belong to a different class.

"Most Gracious Sovereign,—We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, finding it absolutely necessary to raise large supplies of money to carry on the war, until your Majesty may be enabled to establish a good and lasting peace, and to defray your Majesty's extraordinary expenses, do by this Act give and grant to your Majesty the several and respective duties in this Act mentioned," &c.

I believe there is not one of the Bills referred to by the noble and learned Lord which was in the nature of Supply, or had that paragraph in the preamble. I believe farther, though this I must to a considerable extent state on the authority of others, that there is no instance on record since the Revolution in which your Lordships have thrown out a Bill strictly in the nature of Supply—that is, a Bill either granting, or repealing a grant of taxes, in strict connection with the financial requirements of the State as declared by the Crown, and passed by the House of Commons. Such a course runs against the whole spirit of the Constitution. Not merely does it invade the peculiar province of the House of Commons, but to a very large extent also it is at variance with the constitutional relations of both Houses of Parliament, to the Crown and its constiutional advisers. In Mr. Erskine May's *Treatise on the Law and Usage of Parliament*, the constitutional doctrine in respect to taxation is laid down distinctly:—"That the foundation of all Parliamentary taxation is its necessity for the public service, as declared by the Crown through its constitutional advisers." And thus—not only is there no instance of the House of Lords rejecting a Supply Bill of this nature, but I believe, consistently with the principle above stated, it is unusual, and almost unprecedented, even for the House of Commons itself to throw out a Bill of this nature, proposed by the responsible advisers of the Crown, except in cases where the rejection of a Budget altogether has been used to overthrow a Government.

The noble Lord made rather light of another circumstance, which, though I fully admit it has no technical force in this House, constitutes surely a very strong moral obligation. It is true that, as far as the Government is concerned, they did not set the 1*d.* additional income tax as against the repeal of the paper duties; but it does so happen that in the House of Commons a distinct Motion was made on this subject by a distinguished Member of the Opposition, and an important division was taken on that occasion. It was then decided that the additional 1*d.* of income tax should be imposed, rather than the repeal of the paper duties should be abandoned. Bnt if the House of Commons had foreseen the decision your Lordships are now called upon to pronounce, they might have taken another course from that which they did take, not doubting that the usual practice of Parliament would be observed. I do not say that is a technical objection to your proceeding; yet surely it is but fair, when the House of Commons came to a distinct and decided vote against one tax as compared with another, we should consider it an additional obligation to decide the question before us with very strict reference to the constitutional practice of the two Houses.

And now, my Lords, with reference to

the only remaining point—I mean the question of the deficit. I need hardly remind the House that there have been many occasions on which a deficit has been threatened by the Opposition. There was a very recent case in 1857 ; your Lordships will no doubt recollect that on that occasion the whole pressure of the Opposition was directed to show the necessity of farther reduction, and that there would be an enormous deficit in 1858-9. It was quite in vain that Sir George Lewis maintained that he was not bound to go into any year beyond that for which he had immediately to provide ; Mr. Disraeli would insist there was a large deficit ahead ; and, as a specimen of the danger of these figures, I would for a moment direct your Lordships' attention to the actual results. On the 20th of February, 1857, Mr. Disraeli insisted that in the following year it would be impossible to take the income higher than at £61,404,000, and the expenditure at £62,804,000, showing a deficit of £1,400,000, without taking into account the Exchequer bills, of which we have again heard to-night. Sir George Lewis endeavoured to prove that a more favourable result might fairly be anticipated, and in particular that the Revenue might be estimated considerably higher. He placed it at £62,300,000. It so happened that before the year was out the noble Earl was in office, and Mr. Disraeli had to deal with the finances of the country. In happier mood Mr. Disraeli, in April, 1858, was able to announce to Parliament that, instead of the Revenue being at the outside £61,404,000, it amounted to £63,120,000, a sum which exceeded the estimate of Sir George Lewis by £820,000, and Mr. Disraeli's own by £1,716,000! Let us beware therefore of the oft-paraded proofs of deficit. There is a very large margin you must allow for the ordinary increase of revenue in the country, an increase which is likely to be all the greater if important commercial reforms such as those which are now under the consideration of Parliament should be carried into effect.

I may now be allowed to offer to the House one or two observations on that portion of the brilliant speech of the noble and learned Lord who spoke at the commencement of the evening, in which he indicated that the popularity of the financial proposals of the Government was now somewhat on the wane. In answer to that statement, I am perfectly prepared to admit that there has, naturally enough, for some weeks past, been a cessation of those songs of triumph which were chanted throughout all the commercial cities of the country when the scheme of the Government was first propounded, and which resulted from the almost universal appreciation of its value. If any change in public opinion with respect to it has since taken place, I can ascribe that change only to misinformation as to certain failures which, it is industriously circulated, though I believe without any foundation, are likely to arise in connection with the Commercial Treaty with France. My own belief is, however, that no such change has in reality been brought about, and that if there be any apparent difference in the sentiments now entertained by the public as contrasted with those which at the outset prevailed in regard to the proposals of the Government, that difference is to be attributed to the fact that the people at large were confident that the passing of the Budget was a thing perfectly secure. They were animated by that confidence because they placed reliance on that constitutional usage through which we are now invited to break, and because they were actuated by a spirit of faith in the proceedings of the Legislature which I am afraid we shall, if we reject this Bill, be doing much to turn into a spirit of distrust. I may add, in the reply to the remarks of the noble and learned Lord opposite to which I have just alluded, that during the last week or two time has been afforded to individual interests, some of which are injured by every great scheme of reform, to work their way to the surface and to exhibit that apparent change in the current of popular opinion in relation to proposals of the Government to which he has drawn our attention.

I have now, my Lords, trespassed at considerable length upon your notice. My excuse must be the deep interest which I feel in your decision to-night—an interest which animates me far more strongly as a Member of this House than as a Member of the Government, or a supporter of the policy of my right hon. Friend the Chancellor of the Exchequer. That policy no opposition which may be made to it on the part of the noble Baron who moved the Amendment will, I am confident, eventually have power to reverse. I am of this opinion because I feel assured that those principles of commercial policy, originating with Mr. Huskisson, which were matured by Sir Robert Peel, and which are now

The Duke of Argyll

being carried to their final triumph by my right hon. Friend, have been irrevocably sanctioned by public opinion. So far as the individual tax with which we are immediately dealing is concerned, it is, I believe, impossible even for the authority of this House to maintain it as a permanent source of revenue, and I have no doubt that one of the effects of our coming to the decision at which the noble Baron asks us to arrive to-night would be at once to revive that interest in the financial scheme of the Government which to some noble Lords of late appears to have flagged. Any such revival of interest, would, however, in my opinion, be very dearly bought if the Act which led to it should contribute to create any doubt in the minds of the people of England as to the spirit of wisdom and moderation in which your Lordships' House is disposed to exercise the legal privileges which it enjoys.

THE EARL OF DERBY: However important, my Lords, may be the subject which occupies your attention this evening, it is, I am afraid, one to which it is difficult to impart an amount of interest at all proportionate to its intrinsic magnitude. I feel, also, that I labour under considerable disadvantage in rising to address your Lordships at this hour of the night (a quarter to twelve), and at the close of a lengthened debate, more especially as my observations must be mainly directed to dry financial details, which are in themselves of a character not very inviting. I may, however, be permitted, before passing to those details, to say a few words with respect to the constitutional question involved in this discussion, which — notwithstanding what has just fallen from the noble Duke or from the noble and learned Lord opposite, who formerly occupied a seat on the woolsack, or from a Member of your Lordships' House who came forward as a friendly critic, but not in the capacity of a voter hostile to the Government on the present occasion—I should be perfectly satisfied to allow to rest on the footing on which it has been placed by my noble Friend behind me, and by my noble, learned, and venerable Friend who spoke early in the debate, and who has signalized the close this day of the eighty-eighth year of his honoured life, by a speech combining the utmost clearness and power of statement, with a knowledge the most complete of the details of constitutional law and practice. Now, the noble Duke opposite (the Duke of Argyll) did not, I must say, in dealing with this point of constitutional usage, succeed in establishing the position which he laid down upon the subject, or at least did not materially strengthen the argument by the position he took. He said that there was no instance in which your Lordships' House had rejected a Supply Bill, and he quoted the ordinary language of a Bill of that nature. I, however, hold in my hand the very Bill to which my noble and learned Friend near me has already alluded—namely, an Act granting Her Majesty certain duties to be levied on wash and other liquors used in the distillation of spirits, and which begins with precisely that form of expression, "Most gracious Sovereign, we your Majesty's most dutiful and loyal subjects," and so forth. This, therefore, is a Supply Bill, and yet the Bill, so distinctly marked with that character, was absolutely rejected by your Lordships' House, notwithstanding the statement of the noble Duke, to the effect that there was no instance in which such a course had been taken in reference to a measure of Supply. But this is not all. The argument drawn by the noble Duke from this source completely fails in the present instance; he contended that we cannot reject this Bill because it is a Supply Bill, whereas the Bill under our notice is, as it happens, not a Supply Bill at all, but a Bill for the repeal of a tax. There was another argument of the noble Duke which certainly carries this constitutional argument rather further than it has hitherto been considered to apply. He says that almost all money Bills have a twofold character—that they have a political as well as a financial side. Does he see what is the natural inference of that? If we are unable to amend a money Bill, or to reject a money Bill—that is, if we are unable practically to express any opinion at all upon a money Bill, and if all these money Bills have a joint political and financial character, by the assumption of the noble Duke your Lordships' House is deprived, not only of the power of dealing with matters of finance, but also with those political considerations involved in the Bill. Surely Her Majesty's Government are not contending for a limitation of the power of your Lordships' House so extraordinary, and I will, with all respect to the noble Duke, say so absurd, as that contended for by him. He says again, that though what is proposed is not technically a violation of the privileges of the House of Commons, yet it is practically a violation, inas-

much as they have assented to an income tax increased by one penny in the pound, which they would probably not have assented to if they had not relied on our passing this Bill. If you are not to exercise any discretion, in what position are your Lordships? We could not, when the Income Tax Bill was brought up, do more than give notice that we intended to object to the paper duty; we had no power to do more, for we could not make such an Amendment on the Income Tax Bill as would enable us to deal with this Paper Duty Bill. We might have rejected the Income Tax Bill, or have passed it for the full amount of the tax, and what we did do was to adopt a course which we thought entitled us to credit. We said, however we might object to an Income Tax, or to a portion of the Budget, or to the Treaty, we should not interfere with the provisions of the Bill because we would not embarrass the finances of the country and the general arrangements of the Government; but on that occasion I guarded myself by stating that there was a broad distinction between that and another Bill, the rejection of which would not embarrass the finances of the country, but would put a larger sum at the disposal of the Government, I should reserve to myself full liberty to deal with it. Leaving the constitutional part of the question where it was left by my noble and learned Friend, and by the noble Duke who spoke last, whose advocacy does not seem to have very much improved his case, I proceed now to the main point, the abolition of the paper duty, and the grounds on which we object to that abolition. The noble Earl who opened this discussion occupied a considerable part of his speech by doing me the honour to refer in great detail to an address which I delivered to a deputation a day or two ago. He called it an unfortunate speech; but, however much it may deserve the term as regards myself, it certainly is a fortunate one in this, that it furnished my noble Friend with matter for almost the whole of his speech. He commented on the statement I made, that I thought it was a fortunate thing that this Amendment was brought forward without any concert with me by the noble Baron opposite, who is generally a supporter of the Government; and he says that it surely is a question of such importance that I ought not to have waited for its being taken up by an independent Member of the House, but that it ought to have been taken up on the ground of policy and principle by a great party like that which sits opposite to him.

EARL GRANVILLE: What I said was, that the question was of such importance that the noble Earl ought to have made up his mind about it, without waiting until the notice of this Amendment had been given by my noble Friend.

THE EARL OF DERBY: I do not know that I have ever said anything that could lead the noble Earl to the conclusion that I had not made up my mind. On the contrary, I had made up my mind completely and absolutely long before; and what I said then, and what I repeat now, is that I was very glad it had been taken up by the noble Baron, who is generally a supporter of the Government, because I thought that if it had been brought forward by me, there would have been fair room—there would have been ground laid—for objecting on the other side that it was brought forward merely as a political question, and not as a financial question and a question of the greatest possible interest to the country. I was glad, therefore, that the initiation of this Amendment should lie with the noble Baron, who could not be suspected of being actuated by any feelings hostile to the Government, or who is unfriendly to their general views. But I will go further, and I will say that in supporting this Amendment with the full conviction that I am performing a sacred and solemn duty, I can assure noble Lords opposite, sincerely and distinctly, that I do so with no desire whatever to embarrass, still less to disturb or overthrow, Her Majesty's Government. I can assure them I have no desire to relieve them from the responsibility which they have incurred; still less do I desire that any friends of mine should be so unfortunate as to be the persons to replace them. I do not hesitate to go further, and to say that in the present state of affairs—in the threatening state of affairs abroad—in the alarming condition of our financial prospects at home—I think it would be a national misfortune if to these causes for anxiety were added the complications and difficulties which might arise from the noble Lord at the head of the Government being compelled at this moment to relinquish the high office he holds. Therefore, I assure you, with all sincerity, that it is with no spirit of hostility to the noble Lord at the head of the Government or his colleagues that I am taking this course. I come for-

war because I believed that your Lordships' interference is necessary to save the country from great present and much greater future financial difficulties. With regard to the paper duty, the noble Earl was right in conjecturing that it was not my intention to rest my argument upon the intrinsic merits or demerits of the tax. I shall, consequently, follow the example set me by the noble Earl, and abstain altogether from discussing the objections to the duty on the one hand, or the advantages which it may offer on the other. I may be permitted, however, to correct one misapprehension of the noble Earl in reference to what he imagines me to have said the other day—still in that unfortunate speech—as to the course pursued by the Government in 1858. Your Lordships are aware that that Government was one not very strong in Parliamentary support. We had brought forward a Budget which had given general satisfaction. We did not find ourselves in possession of a large available surplus. The noble Duke stated that whereas the revenue was estimated at £61,000,000, it actually was £63,000,000; but he omitted to mention that the estimated expenditure was £67,000,000; and that, consequently, there was a deficiency to make up of £4,000,000. What I said the other day in reference to this paper duty was this:—

"Resolutions were brought forward in the other House of Parliament that the paper duty was not a fit source for a permanent revenue; and, next, that it was desirable so to frame the financial arrangements as to enable Parliament to dispense with it. My right hon. Friend the Chancellor of the Exchequer stated that in the abstract he agreed with the Resolution—as I do—that if the country could afford the loss, the paper duty was not a desirable source of permanent revenue; but he objected to the further Resolution. That, he said, was not the fitting time to take it off. We had proposed a Budget which remitted a certain amount of income tax in conformity with the provisions of the existing law—next year we shall have to deal with the tea and sugar duties, upon which there will be another fall, we shall have to provide for the gradual extinction of the war duties and for the entire lapse of the income tax, and we cannot give the income tax the preference over these two great objects."

That was the argument used then, and that is the argument I use now. I do not defend the paper duty theoretically as a desirable source of revenue; but if the Exchequer were full, if the finances were flourishing, if the prospects abroad were more certain, and if your income tax were at a less exorbitant rate than that at which your necessities have compelled you now to place it,—if you had relieved the taxation which presses on the labouring classes by the remission of the tea and sugar duties—if circumstances, in fact, were altogether different, it might be desirable to repeal the paper duty; but, while they remain as they are, you are only adding to the financial embarrassments of the country by this improvident and reckless proposal. Proceeding now to the financial part of the question—I am obliged to say the noble Earl need not have reminded me of my own inadequacy to deal with this financial question, and of the reluctance with which the House will listen to figures, even at the period of the evening at which he spoke, much more now. Though I do not pretend to the character of a prophet—in financial matters more especially—I have this satisfaction, that I found all my statements and all my figures on those of the Chancellor of the Exchequer, and in the objections which I shall offer to the present scheme of finance, there is not one in which I am not able to appeal to the high authority of the same right hon. Gentleman. Whether I refer to the obligations, strict binding pledges, which were given by the Government that the income tax should finally expire in 1860—whether I look to the feeling that the falling in of the Long Annuities should be used as a means of affording relief, not in the shape of indirect taxes, but to contribute to the abolition of the income tax—whether I look to the necessity of looking beforehand to another year, and not being satisfied to deal with the finances of one year only—whether I look to the necessity of postponing the abolition of the paper duty, or to the necessity of abrogating the war duties on tea and sugar—upon all those points I am happy to say I have the high authority of the Chancellor of the Exchequer, who has recently placed himself in direct opposition and hostility to the financial schemes of the right hon. Gentleman who was then Chancellor of the Exchequer, and who is now his Colleague at the head of the Home Department. In the first place let me deal with the finances of the last and present year, according to the statement of the Chancellor of the Exchequer. In looking at the revenue and expenditure of 1859-60, the right hon. Gentleman was anxious to show what would have been the surplus for the year 1859-60 if unexpected causes had not arisen to increase expenditure on the one hand and diminish the produce of taxes on the other.

Even by taking advantage of a very unexpected sum received from Spain in payment of an old debt—for which, I believe, he was mainly indebted to the exertions of my noble Friend, who the year before filled the office of Foreign Secretary—the right hon. Gentleman made the expenditure and income exactly alike. This year the estimated revenue is £60,700,000; the estimated expenditure, £70,100,000, —you might call it £71,000,000, because there is 1,000,000 of Exchequer bonds which have to be provided for in some way this year. That leaves a deficiency of £9,400,000. The Chancellor of the Exchequer offered us various modes of filling this up; for instance, there were the tea and sugar duties which might be kept on, which would make £2,100,000, or we might have a 9*d.* income tax. He says an income tax at 9*d.* will produce £9,772,000, and will give a surplus of £372,000. Well, my Lords, in the circumstances in which this country was placed, and looking to the causes which necessitated such great expenditure—which was not an outlay of the ordinary character, but a war expenditure in the time of peace, which became absolutely necessary for the security and for the safety of the country—I do not believe the slightest objection would have been raised to the imposition of the 9*d.* income tax, providing it was shown to be necessary for the safety and security of the country. And, although, it would not have been as striking and as brilliant a Budget as that brought forward by the right hon. Gentleman, in my opinion it would have been one more likely to receive the general assent and sanction of Parliament. But the right hon. Gentleman thought this was a fit occasion for a display of his matchless rhetorical powers. Having had the pleasure of listening to that most eloquent and most able speech, I came away with the fullest conviction that such a Budget as was then proposed, such a financial arrangement, combining so many difficulties and so many dangers, never could have commanded the consent of any legislative assembly if the listeners had not been so dazzled by the brilliancy of the rhetoric of the right hon. Gentleman as to be willing to blind their eyes to the dangerous consequences of that reckless course on which he was urging them to enter. With a deficiency of £9,400,000, the right hon. Gentleman proceeded to make his statement, and, adopting the principle which seems also to have been followed by the noble Duke opposite — who contended that because you could not strike off the income tax at all, you might therefore proceed to enlarge the deficiency—he proposed that you should make great experiments in finance. I shall not stop to show how completely different the measures now proposed by Her Majesty's Government are from those successive systems and plans originated by the late Sir Robert Peel; but the Chancellor of the Exchequer laid down this paradoxical doctrine:—Most persons hold the opinion that periods of prosperity, in which the revenue is fairly productive, are those in which you ought to make financial amendments and improvements; on the contrary, says the Chancellor of the Exchequer, that is quite a mistake; the worse the position of your affairs, the more desperate your deficiency, the more serious your loss and the greater your dangers, the more imperative is the necessity for an audacious and daring Minister to enlarge that deficiency and to increase the difficulties, so that you may take your chance of throwing "double or quits." You are already half through, he tells you; one more dashing move, it is possible you may recover your fortunes; and if you fail you cannot be much worse off than you were before. My Lords, I say that is not the policy of a statesman—it is the policy of a desperate and improvident gambler. What is the course the right hon. Gentleman proposes to take? Finding a deficiency of £9,400,000, he introduces a further deficiency by the French treaty, which he estimates at a gross loss of £1,737,000, or a net loss of £1,190,000. I take all his figures as I find them, and I suppose him to be perfectly accurate in his calculations. The loss by the abolition of the Customs duties is set down in the gross at £1,440,000, or £910,000 net; and he winds up the whole by the abolition of the paper duties at the net sum of £990,000 for the present year. In this manner he increased the deficiency of £9,400,000 by £3,090,000, and he left the House of Commons to deal with the very nice little deficit of £12,490,000. Now, how did he deal with that amount? In the first place he proposed a number of new charges—and these numerous petty and vexatious imposts on commerce will, I believe, be found productive in practice of infinitely more embarrassment and annoyance than the trifling reduction in the duties will compensate for. He estimated that from new charges and savings on the

Customs establishment he would realize £982,000; he continued the war duties on tea and sugar, from which he derived £2,100,000; he put on an income tax of 10*d.* in the pound, producing £8,472,000; and carrying out the principle which pervades the whole of this Budget, by a new arrangement of the income tax he managed to get in for the present year a larger amount than would be yielded by the ordinary mode of imposition. Instead of half a year's proportion of the tax he is to receive three-quarters of the amount in the present year, in addition to the one-fourth which remained for the service of the year, arising from the previous 5*d.* income tax. Even this would have left him in a deficiency of something like a million after taking his new charges; and so, after he had continued the present war duties on tea and sugar, after he had saddled the country with an income tax of 10*d.* in the pound, three-fourths of which was to be raised in the first half-year, he found it necessary to take for the year 1860-61 the malt and hop credits, amounting to £1,400,000, which properly belong to the service of the years 1861-62. And thus, by anticipating revenues, he converted his large deficit into an apparent surplus of £464,000, at the expense of the year 1861-62, and without making the slightest provision to meet the difficulties which in the year 1861-62 must come upon the Exchequer. My Lords, I said an apparent surplus of £464,000; but the noble Earl opposite has admitted in the first place one very manifest error, arising from a very simple cause. The Budget estimate for the collection of revenue was £4,700,000, but the Chancellor of the Exchequer in bringing forward this brilliant Budget forgot that the cost of collecting the income tax was by poundage; and consequently the increased production of the income tax must be acquired at an increased charge; so that when the Estimates are brought forward the amount no longer stands at £4,700,000, but at £4,932,000, being an increase of £232,000, or exactly half the estimated surplus. The noble Duke behind me pointed out—and it has not since been denied—that the Chancellor of the Exchequer has been compelled to admit drawback to the extent of £250,000 on this very paper duty. That of itself would be sufficient altogether to exhaust the remaining surplus for the present year, and to leave the Chancellor of the Exchequer with a deficiency. My noble Friend the President of the Council, in his opening speech, stated that some further concessions, which were estimated at £100,000, had been made. When we come to look at other matters, I think it will be manifest that even in the present year the Chancellor of the Exchequer has landed us in a most formidable deficiency, and to that you wish voluntarily, spontaneously, and unnecessarily to contribute to the amount of a million by the abolition of the paper duty. The Miscellaneous Estimates are seven in number, and they were taken at £7,500,000. The six already presented amount to £6,644,000. The seventh has not yet been presented, but if the estimated amount for the whole be £7,500,000 it follows that for the seventh there is only left the sum of £855,000. The similar article in the Miscellaneous Estimates last year amounted to £1,128,236, and, therefore, to bring it within the seventh estimate with the stipulated amount of £855,000, you must accomplish a saving this year of £272,000. But on the whole of the remaining £6,644,000 you have only effected a retrenchment to the extent of £107,000; and I therefore leave your Lordships to conjecture what chance there is of your saving £272,000 out of a total sum of £855,000. We are told that in the Budget credit was taken for a Vote of £500,000, which, I suppose, must be taken in addition to the sums voted for the military and naval forces engaged in the Chinese war. And, therefore, by whatever amount the expenses of the war in China exceed that Vote of credit of £500,000—and we may be sure that it will not be a trivial excess—by so much will there be, on the showing of the Chancellor of the Exchequer, an addition to the deficiency in his Budget for the present year. There is one point on which I should like to hear some explanation, and perhaps the noble Lord the Under Secretary of State for the War Department will enlighten me on the subject. He will remember that the Army Estimates were taken back and altered after they had been laid on the table of the House, in consequence of the arrangements of the Government having been materially interfered with by a number of troops which were sent back from India. They were altered, but they were increased by a very small amount indeed. I want to know the meaning of this phenomenon. The establishment was added to by 1,900 men, in addition to those charged on the previous Estimates, and those men had, I suppose, to

be clothed, provisioned, and stores found for them; and yet, although a slight addition was made on account of the men, I find no addition made for any articles of clothing, provision, or storage. I want to know how this additional expenditure is provided for, since it does not appear in the Budget. I believe the Vote of credit of £500,000 will be mainly absorbed by these items; but at the present moment we are unable to obtain the slightest information on the point. In the Budget for the present year no reference is made to any contemplated outlay for fortifications with a view to the defence of the country, and yet we are given to understand that it will be necessary to expend a large sum of money in this manner. Any portion of this charge which may be incurred in the present year must increase the deficit which will have to be encountered in the year 1861-62. Then the Foreign Office and the Colonial Office had been found to be too dangerous for habitation. Plans have been framed, and everything has been got ready, and I expected that this year we should have seen the erection of a new Foreign Office, if not also of a Colonial Office. But no, no Estimates have been taken for anything of the kind; but if the expenditure does not fall upon this year it must fall upon the diminished resources of 1861-62. Therefore I say that, following the Chancellor of the Exchequer's own figures, and only allowing for those corrections which are absolutely necessary to make, and which have not been denied by the right hon. Gentleman's Colleagues, even for the present year there will not only not be a surplus of £464,000, but there will be no surplus at all; and, as it does not need the gift of prophecy to show, there will be a considerable deficiency, even supposing the Chancellor of the Exchequer's calculations to be correct. Again, we must remember another element of danger. The Chancellor of the Exchequer calculated upon a loss upon French wines of £1,700,000; but, in consequence of increased consumption, it would be only £1,100,000. To make up that loss the consumption of French wine must increase in the course of three-quarters of a year no less than 35 per cent, and that without affecting—for if it did it would alter the whole balance — without affecting the consumption of beer or spirits. Then, again, as to the trifling articles amounting to £910,000, a nett estimate of loss upon a gross loss of £1,040,000; and yet I do not know where the great increase of consumption is to come from, seeing that upon a greater portion of those articles the duties are remitted altogether. Now, before I proceed further, this is, perhaps, a convenient time to deal with the financial prospects of 1861-2. I am assuming that the expenditure of 1861-2 will be no greater than that of the present year—that is, £70,100,000; and the amount by which it is underestimated, £230,000, makes it £70,330,000. The revenue of 1860-1 is £70,564,000. From that sum we have to deduct the malt and hop credits, which will not be available again, £1,400,000; the Spanish payment, £250,000; the loss upon the tariff, according to the Chancellor of the Exchequer, £700,000; and another sum of £150,000, being the difference of the balance of income tax for the first quarter of a year. These sums taken together make £2,500,000; and therefore, supposing all other things to remain as they are, the surplus in 1861-2 will be less or the deficiency greater by that amount, reducing the amount of the income for 1861-2 to £68,064,000, leaving a deficiency of £2,266,000 — that is, supposing the Chancellor of the Exchequer's calculations are all correct, that no additional charge for China be necessary, that there be no charge for building public offices, no charge for fortifications—admitting none of these matters which are postponed from this year, and must fall into some succeeding year; admitting the continuance for another year of the income tax and the war duties on tea and sugar; giving him every source of revenue upon which he has calculated, and calculating no source of deficiency, the Chancellor of the Exchequer's scheme will lead to a deficiency in 1861-2 of £2,268,000. Now, my Lords, I did state, as the noble Earl has remarked, to the deputation which I saw on Saturday that I would not ask your Lordships to reject this Bill unless I could show that upon the statement of the Chancellor of the Exchequer himself there was every probability that in 1861-2 there would be a deficiency approaching to £2,000,000. I have shown you it must be £2,700,000, and will probably be much more. I said I would not only confine myself to the facts and figures of the right hon. Gentleman, but upon the various points of the Budget to which I object I would produce the sanction of his high authority. And first, my Lords, as to the pledges, to use the right hon. Gentleman's own terms in 1853, that measures should be taken, or, as he phrased it, every

nerve should be strained, to take off the income tax in 1860. I am not finding fault with him for not taking off the income tax in 1860, because I know circumstances have been too strong for him; but what I am contending for is this, that the Chancellor of the Exchequer had no right to say that the large falling in of £2,400,000 afforded him means, or could be made a justification, for taking off a corresponding amount of indirect taxation, inasmuch as that very sum was known to be about to fall in during the present year, and had been estimated by him as one of the principal means for removing the income tax in 1860. Listen to the statement of Mr. Gladstone in 1853:—

"How are we to obtain a rational prospect of being able to part with the income tax in 1860 . . estimated tax, £6,140,000; new sources of income, £2,549,000? Then we come to the anticipated reductions of charge, which of course will be as effectual to the purpose in view as positive additions to the revenue. The first of these reductions of charge is that on the Three-and-a-Quarter per Cents, which we owe to the wise measure of the right hon. Member for Cambridge in 1844. That measure will bring to the account £624,000. . . . Then in 1859–60 there will fall in the heavy burden of the Long Annuities, and of another large portion of our terminable annuities. The first of these is £1,292,000, the second £854,000; together they will operate a relief of £2,146,000. Adding this amount to the sum of £3,813,000 . . there will be an available increase of means of no less an amount than £5,959,000 against the £6,140,000 of income tax, which will be the total amount of that tax at that period. In the years 1860-61 half of the income tax at 5*d.* will be available. The balance will be applicable as respects the following year. The Committee may now judge whether I have been justified in the language I have used with respect to the surrender of the income tax.—[3 *Hansard*, cxxv. 1420.]

The Motion then made by the Chancellor of the Exchequer was, that in April, 1860, except as to the collection of moneys then due, the said rates and duties shall cease and determine. That was in 1853, and, no doubt, the circumstances have since altered. But, in 1857—and this supports me in another argument,—namely, as to the necessity of looking ahead and providing not only for the service of the present year, but for future years—the following Motion was made by Mr. Disraeli, as an Amendment to the financial statement of the right hon. Gentleman now Home Secretary:—

"That in the opinion of this House it would be expedient, before sanctioning the financial arrangements for the ensuing year, to adjust the estimated income and expenditure in the manner which shall appear best calculated to secure the country against the risk of a deficiency in the years 1858-9 and 1859-60, and to provide for such a balance of revenue and charge respectively in the year 1860 as may place it in the power of Parliament at that period, without embarrassment to the finances, altogether to remit the income tax."—[3 *Hansard*, cxliv. 971.]

That Motion was strenuously supported by the present Chancellor of the Exchequer, and I must say in the speech he then made he bore somewhat hardly upon his now Colleague, who then filled the office of Chancellor of the Exchequer. I must also do him the justice to say, that the Budget he has now brought forward is very much in accordance with the views he then expressed; but if he had endeavoured to frame a Budget in such a manner as to negative item by item and point by point the principles laid down by the then Chancellor of the Exchequer he could not have done so more faithfully and successfully than he has done. What were the main points of Sir George Lewis's Budget in 1857? That it was not expedient to abolish the paper duties; that it was not expedient to do away with the wine duties; and that it was of great importance that you should not so reduce the tariff to small number of articles as to endanger the permanence of the revenue derived from that source. The Budget of the present Chancellor of the Exchequer goes upon the principle that you should abolish the paper duties, that you should abolish the wine duties, and that you should simplify the tariff so as to make it comprise the smallest number of articles possible; and his predecessor in office had the satisfaction of sitting behind him and hearing those principles enunciated, and of giving to them, of course, his cordial approbation. As I am going back to the question of pledges, your Lordships will observe the language in which Mr. Gladstone commenced his speech on that occasion:—

"I have stood at that box, Sir, and have addressed the House of Commons, and I have received on the part of the Government to which I belonged the assent of the House of Commons to financial plans which were in every point contradictory to those which are now proposed. How it is that hon. Gentlemen still sitting on those (the Treasury) benches find such facility for giving assent to contradictory propositions it is not for me to say; but of this I feel convinced, that if I may assume to exist in this House of Commons the same feelings which existed four years ago—I do not mean as to questions which were the subjects of party contentions, but as to the duty of balancing income and expenditure—the express pledges which were given to the country on the

subject of the income tax will be rigorously maintained."—[3 *Hansard*, cxliv., 985.]

Well, my Lords, it was hinted—meekly hinted—that there were circumstances previous to 1857 which might modify these pledges. No. He would not listen to any such proposal. True, he did own that he had been deceived in his estimate of the Succession Duty, respecting which I may say that there has never been a more gross and signal failure in a financial point of view, while, at the same time, upon those luckless individuals who have become subjected to the tax it has pressed with the utmost severity. In 1857 there had been a failure in Mr. Gladstone's expectations respecting the Succession Duty, and there was also the trifle of the Russian war. Mr. Gladstone was not then Chancellor of the Exchequer, but Sir George Lewis was. Then, with fervid eloquence, the right hon. Gentleman exclaimed that those circumstances were not sufficient to absolve the House from those pledges, and that, as the person upon whom they most pressed, he should not feel absolved, in honour, or in conscience, from the duty of straining every nerve still to uphold and carry out those pledges. Was 1857 the last occasion on which this language fell from the Chancellor of the Exchequer? By no means; for when my right hon. Friend (Mr. Disraeli), being then Chancellor of the Exchequer, brought forward that comprehensive scheme which came to its final termination in 1860, proposing not to interfere with the fall of the income tax, the right hon. Gentleman quite concurred with him. He said—

"It is perfectly true that the war has made a permanent addition to your burdens of about £1,250,000 per annum; but no one will say that a change in the circumstances of the country to that extent is of itself sufficient to cause an abandonment of the expectations which the country has been taught to entertain with regard to the extinction of the income tax."—[3 *Hansard*, cxlix. 1314.]

Up to 1858, therefore, we find the Chancellor of the Exchequer declaring that he was bound by the most solemn pledges, that he must positively redeem those pledges, that he depended on the falling-in of the Long Annuities to enable him to reduce the income tax; and now, when these annuities have fallen in, he feels it to be his first duty to apply the amount in the remission of indirect duties, and not of income tax. There is something more. The right hon. Gentleman says, in reference always to this reduction of the income tax—

"An hon. Member, I think very naturally, cries out for the abolition of the paper duty; another Gentleman calls for the extinction of the hop duty; another speaks in a most touching manner of the advantages to be derived from the abolition of the malt tax. Some of these proposals may be unreasonable, and some of them may be and are very reasonable; but at this time, owing to the state of our expenditure, we are not only precluded from the process of reduction of debt, but precluded from carrying forward beneficial changes in our commercial system."

And thereupon the paper duties, on account of the state of the expenditure, could not be reduced in that year. Now, the estimated expenditure in 1858 was £67,000,000, the estimated income £63,000,000, leaving a deficit of £4,000,000. In the present year the estimated expenditure is £70,100,000, and the receipts are £60,700,000, leaving a deficit not of £4,000,000 but £9,400,000, besides those little items which we will not talk about at present, notwithstanding which the Chancellor of the Exchequer thinks he is bound to take off the very paper duty which the state of the revenue prevented him from dispensing with in 1858. But really the number of objections which I could advance to the Chancellor of the Exchequer's scheme, and which have the sanction of the Chancellor of the Exchequer himself, render his speech on this memorable occasion as useful to me as my speech the other day was to my noble Friend. He considers it of the utmost importance that an accurate estimate should be taken, not only for the expenditure of the current year, but of the year following; and no Chancellor of the Exchequer ever stood such an attack and such an amount of badgering respecting his inability to produce such an estimate as Sir G. Lewis did from Mr. Gladstone. On one point the right hon. Gentleman was particularly eloquent and impressive, and that was upon the propriety of having a large margin in the Estimates for a war in which they were engaged, and the expenditure of which was not provided in the Budget of the year. Now, only substitute the word "China" for "Persia," and you might at the present moment read to the right hon. Gentleman from his own speech just that which he then read to Sir George Lewis:—

"When we recollect that we have to carry on two wars in the East, and that the right hon. Gentleman has not called upon us to vote any money for the expenses of those wars; that among all the Votes he has submitted to Par-

liament he has not asked for one farthing for the Chinese war, while, with respect to the Persian war, he finds it the most convenient course to keep it as long as possible out of sight—can you believe, with these considerations before you, that the right hon. Gentleman is correct in his estimate of £900,000 surplus? He confines himself, as to the Persian war, to covering the expenses of last year, and does not call upon us to vote any money for its charge in 1857-8. If there be any life in the House of Commons, any sense of its constitutional duty, it will not allow the Persian war to be conducted on those principles. I give the fullest notice that I do not understand it to be the function of the representatives of the people, while attending in this House, to allow wars to be begun by the Government, to be carried on by the Government, without any explanation or estimate of the charges being submitted to us: until after the conclusion of the war, after the money has been spent and the lives of our countrymen sacrificed the little Bills are presented, and we are told by the Chancellor of the Exchequer that we have nothing to do but to consider how they shall be paid. That is not my understanding of our duties as representatives of the people. If the Government form such an estimate of our duties, I tell them that I, for one, will never conform to that estimate; and if the House of Commons shall be of the same determination as myself, we shall invite the Government to give us a distinct explanation of the character and expenses of those wars. If they decline our invitation, we shall urge them to do so; and if they still refuse, we must coerce them by our votes to give us an estimate of the expenses of the Persian war, that we may know precisely what it is before the war goes further, and not allow ourselves to be kept in ignorance of it until the war is over."—[3 *Hansard*, cxliv., 991].

One point more. The Budget is proposed to be taken, not for a period of three years, which has the high approbation of the noble Duke opposite, and which, according to him, would give time for the great commercial change which he thinks very desirable, but it holds good for one year only; and it is to be taken for that period for the purpose of enabling the future Parliament, however constituted, to deal freely with the finances of the country at a moment when you have created a deficit of £12,000,000, and by repealing the paper duties have dried up that source for supplying the deficit. What did Mr. Gladstone say in March, 1857?—

"The hon. and learned Member for Newcastle (Mr. Headlam) says that the only way to keep the income tax under our control is to vote it from year to year. Now, I beg leave to differ in opinion altogether from the hon. Member. I believe that the transition from voting it for a term of years to that of voting it from year to year is the sign of another transition which we should endeavour by all means to shun—namely, a transition from a solid and steady system of finance to a vacillating and merely provisional system of finance."—[3 *Hansard*, cxliv. 2067.]

I leave it to the right hon. Gentleman, with all his eloquence and ability—and no one admires them more than I do—to reconcile these two principles. One more declaration on the subject of finance was made by the right hon. Gentleman in 1857. He said the House was called on to take a burden off the shoulders of the wealthy classes in order to impose taxes on tea and sugar, which were articles consumed by the poor man; that he entertained a decided opinion against such a proposition; and that before the Speaker left the chair, if health and strength remained to him, he should endeavour to induce the House, whatever taxes were proposed, not to levy more on the tea and sugar of the poor man. Yet the right hon. Gentleman himself now takes off the wine duties of the wealthier classes, and continues the war duties on the tea and sugar of the poor. I have endeavoured, my Lords, to show, and I said I would at the outset, that whatever objections I entertain to this Budget—namely, because of its improvident character; because of its rendering it absolutely impossible to take off the income tax; because of the necessity which I conceive we are under of looking forward to our resources for the supply of future years; and because of the impropriety of reducing the taxes on the rich man's luxuries, while we retain those on tea and sugar—in these objections I am supported by the recent, repeated, eloquent, and energetic declarations of the Chancellor of the Exchequer in opposition to his own Budget. Once more, following his example, I do not object to the repeal of the paper duties if you can afford to do so; but I do object, when our finances are in an undue, or rather in a hopeless deficiency in 1861-2, and when, with the prospect of foreign disturbances, of greatly increased taxation, of a large military and naval expenditure, with the necessity of incurring great expense in fortifications and in the national defences, you voluntarily deprive yourselves of a source of permanent revenue, collected without difficulty, and yielding £1,400,000 a year. I was charmed to hear from the noble Duke opposite a declaration on the part of the Government that they have nothing in common with the principles announced by those who are described as forming the Manchester school; but, whatever may be the intentions of the Government, they are by their acts playing into the hands and furthering the avowed objects of that party. What is the announce-

ment of that party? The announcement made—not concealed, but openly proclaimed—is, that they will effect a change of taxation, and so cut down the indirect taxes as to make the whole dependence of the country be upon direct taxation; and the pressure of that direct taxation, they anticipate, will be so grinding and so odious that, whatever the circumstances of the country may be, war will be avoided, because no party will be willing to defray the expense necessary for carrying it on. That is the avowed object of those persons. They say, "We will secure peace by taking away the power of making war, by throwing the whole burden of taxation on direct taxation, and making the pressure odious." The Government have quite different views, I have no doubt; but if they had the same objects they could not more effectually promote them than by the system of finance they are encouraging. My Lords, it is not, therefore, solely on account of the amount, though that is considerable, that I object to the abolition of the paper duty; but because you are taking away an important branch of revenue, and establishing principles and promoting objects contended for by those parties who, by weakening the financial condition of the country, desire to effect the purposes they have in view. For these reasons of political as well as financial importance I object to the proposition of the Government, and shall not feel myself justified in giving my assent to it. I have troubled your Lordships at greater length than I desired, and in closing my observations I will again avail myself once more of that valuable speech to which I am already so largely indebted, and I will read the passage in which the right hon. Gentleman sums up his objections to the Budget of 1857 in language more eloquent and forcible than any I could use. I shall not, therefore, add a single word to the concluding observations of the right hon. Gentleman. The present Chancellor of the Exchequer on the 20th of February, 1857, used these eloquent words:—

"I feel strongly upon this subject, and I dare say I have expressed myself in strong language. I hope it has not been stronger than the occasion demands. I confess I do feel strongly the nature of these propositions. I will conceal nothing. I may be wrong, and my judgement may err, like that of other men; but this is the first time—I will not say, that I have heard a deficiency recommended and sanctioned by the Government, for, and unfortunately, I have heard that, and in principle it was quite as bad as this proposition, though in degree it was entirely different; but, certainly, that I have heard propounded from the Treasury Bench by the Chancellor of the Exchequer a plan which seems to threaten to throw the land into financial confusion. I felt that it was our duty to strip the veil from a statement which was certainly calculated to convey false impressions to the country, and from the discharge of that duty I could not shrink. Every year that a man lives he learns to estimate more humbly his own powers. He must be content to see remain unaccomplished much that he may earnestly desire; but in this free, happy country there is one privilege and one corresponding duty which remains to man—it is to bear his testimony in open day to the duty and the necessity of maintaining public obligations, and to strip away every veil from every scheme which tends to undermine this principle. That duty, with the indulgence of the House, I have endeavoured to discharge. No consideration upon earth would induce me by voice or by vote to be a party to a financial plan with regard to which I feel that it undermines the policy which has guided the course of every great and patriotic Minister in this country, and which is ultimately associated, not only with the credit and the honour, but even with the safety of this country."—[3 *Hansard*, cxliv. 1017.]

The Earl of Derby

Earl GRANVILLE in reply, which was imperfectly heard, was understood to say that he could not follow the noble Earl who had just spoken into the many questions of detail which he had submitted to their Lordships, but he wished to protest against the statements which the noble Earl had made to the House. He emphatically denied that the financial scheme of the Chancellor of the Exchequer was that of a gambler who played at "double or quits." Such a phrase could not properly be applied to a person who merely repeated an experiment which had been found eminently successful. Nor was it correct to say that there would be a deficiency in the present year, unless, indeed, there came in claims on account of the Chinese war which it was impossible to calculate or foresee. The wine duties, in the short time which had elapsed since their reduction, had produced the estimated amount even without the system of refreshment-houses which formed part of the financial scheme of the Government. It was possible that there might be a deficiency next year, but that was a matter which could not be dealt with at the present moment. The noble Earl had reproached the Government with having imposed an income tax for one year only. He maintained that the Government would not have been justified in proposing a 10*d.* income tax for a term of years in the absence of any knowledge whether it would be required. In conclusion, he hoped their Lordships or the public would not be

led away by the calculations of the noble Earl with respect to next year—calculations in which he had refused to take into account a sum of £1,200,000 which would then be available.

On Question, That ("now") stand part of the Motion?—their Lordships *divided*:—

Contents (Present)	... ...	90
(Proxies)	... ...	14
		—104
Not-Contents (Present)	... ...	161
(Proxies)	... ...	32
		—193
Majority	... ...	89

Resolved in the *Negative;* and Bill to be read 2ª *on this Day Six months.*

CONTENTS.

(PRESENT.)

Campbell, L. (*L. Chancellor.*)
Salisbury, Bp.
St. Asaph, Bp.

Devonshire, D.
Newcastle, D.
Somerset, D.

Ailesbury, M.
Bristol, M.
Lansdowne, M.
Townshend, M.

Abingdon, E.
Albemarle, E.
Caithness, E,
Carlisle, E.
Cawdor, E.
Chichester, E.
De Grey, E.
Denbigh, E.
Devon, E.
Ducie, E.
Dudley, E.
Durham, E.
Effingham, E.
Ellesmere, E.
Fitzwilliam, E.
Fortescue, E.
Granville, E.
Harrowby, E.
Lichfield, E.
Minto, E.
Saint Germans, E.
Sommers, E.
Spencer, E.

Eversley, V.
Falmouth, V.
Leinster, V. (*D. Leinster.*)
Sydney, V.

Bath and Wells, Bp.
Carlisle, Bp.
Derry and Raphoe, Bp.
Durham, Bp.
London, Bp.
Ripon, Bp.

Audley, L.
Belper, L.
Camoys, L.
Carysfort, L. (*E. Carysfort.*)
Chesham, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin & Claneboye.*)
Congleton, L.
Cranworth, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Tabley, L.
Dunfermline, L.
Ebury, L.
Foley, L. [*Teller.*]
Glenelg, L.
Harris, L.
Hunsdon, L. (*V. Falkland.*)
Kingston, L. (*E. Kingston.*)
Leigh, L.
Lismore, L. (*V. Lismore.*)
Llanover, L.
Lurgan, L.
Lyttelton, L.
Lyveden, L.
Methuen, L.
Minster, L. (*M. Conyngham.*)
Mont Eagle, L. (*M. Sligo*)
Mostyn, L.
Poltimore, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Portman L.
Rivers, L.
Saye and Sele, L.
Sefton, L. (*E. Sefton.*)
Somerhill, L. (*M. Clanricarde.*)
Stafford, L.
Stewart of Stewart's Court, L. (*M. Londonderry.*)
Strafford, L. (*V. Enfield.*)
Stratheden, L.
Sudeley, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Taunton, L.
Teynham, L.
Wenlock, L.
Wodehouse, L.

(PROXIES.)

Portland, D.
Wellington, D.

Lindsey, E.
Radnor, E.
Yarborough, E.

Oxford, Bp.

Elgin, L. (*Elgin and E. Kincardine.*)

Granard, L. (*E. Granard.*)
Howard de Walden, L.
Kenmare, L.
Londesborough, L.
Rossie, L. (*L. Kinnaird*)
Stuart de Decies, L.
Vernon, L.

NOT-CONTENTS.

(PRESENT.)

Beaufort, D.
Buckingham and Chandos, D.
Cleveland, D.
Manchester, D.
Marlborough, D.
Rutland, D.

Abercorn, M.
Ailsa, M.
Bath, M. [*Teller.*]
Cholmondeley, M.
Exeter, M.
Normanby, M.
Salisbury, M.
Westmeath, M.

Airlie, E.
Amherst, E.
Aylesford, E.
Bantry, E.
Bathurst, E.
Beauchamp, E.
Belmore, E.
Brooke and Warwick, E.
Camperdown, E.
Cardigan, E.
Carnarvon, E.
Cathcart, E.
Chesterfield, E.
Coventry, E.
Cowper, E.
Dartmouth, E.
De La Warr, E.
Derby, E.
Desart, E.
Doncaster, E. (*D. of Buccleuch & Queensberry.*)
Ellenborough, E.
Erne, E.
Graham, E. (*D. Montrose.*)
Grey, E.
Haddington, E.
Hardwicke, E.
Harewood, E.
Harrington, E.
Hillsborough, E. (*M. Downshire.*)
Home, E.
Howe, E.
Lanesborough, E.
Lonsdale, E.
Lucan, E.
Macclesfield, E.
Malmesbury, E.
Mansfield, E.
Mayo, E.
Morley, E.
Morton, E.
Nelson, E.
Orkney, E.
Pomfret, E.
Portarlington, E.
Powis, E.
Romney, E.
Rosslyn, E.
Sandwich, E.
Shaftesbury, E.
Shrewsbury, E.
Stanhope, E.
Stradbroke, E.
Tankerville, E.
Verulam, E.
Westmoreland, E.
Wilton, E.
Winton, E. (*E. Eglintoun.*)
Winchilsea and Nottingham, E.

Canterbury, V.
Combermere, V.
De Vesci, V.
Doneraile, V,
Dungannon, V.
Gough, V.
Hardinge, V.
Hood, V.
Lifford, V.
Melville, V.
St. Vincent, V.
Stratford de Redcliffe, V

Bangor, Bp.
Cashel, &c., Bp.
Chichester, Bp.

Abercromby, L.
Abinger, L.

Ashburton, L.
Aveland, L.
Bagot, L.
Bateman, L.
Berners, L.
Blantyre, L.
Blayney, L.
Boston, L.
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Carrington, L.
Castlemaine, L.
Chelmsford, L.
Clements, L. (*E. Leitrim*)
Clifton, L. (*E. Darnley.*)
Clinton, L.
Clonbrock, L.
Cloncurry, L.
Colchester, L.
Colville of Culross, L. [*Teller.*]
Conyers, L.
Crewe, L.
De Freyne, L.
Delamere, L.
De L'Isle and Dudley, L.
De Ros, L.
Digby, L.
Dinevor, L.
Downes, L.
Egerton, L.
Farnham, L.
Feversham, L.
Gage, L. (*V. Gage.*)
Grantley, L.
Hawke, L.
Kenyon, L.
Kingsdown, L.
Leconfield, L.
Lovat, L.
Lovel and Holland, L. (*E. Egmont.*)
Mendip, L. (*V. Clifden*)
Monteagle of Brandon, L.
Moore, L. (*M. Drogheda.*)
Overstone, L.
Petre, L.
Plunket, L. (*Bp. Tuam, &c.*)
Polwarth, L.
Raglan, L.
Ravensworth, L.
Rayleigh, L.
Redesdale, L.
Saltoun, L.
Scarsdale, L.
Sheffield, L. (*E. Sheffield.*)
Silchester, L. (*E. Longford.*)
Skelmersdale, L.
Sondes, L.
Southampton, L.
Stewart of Carlies L. (*E. Galloway.*)
St. John of Bletso, L.
Strathspey, L. (*E. Seafield.*)
Templemore, L.
Tenterden, L.
Tredegar, L.
Vaux of Harrowden, L.
Walsingham, L.
Wensleydale, L.
Willoughby de Eresby, L.
Worlingham, L. (*E. Gosford.*)
Wycombe, L. (*E. Shelburn.*)
Wynford, L.

(PROXIES.)

Northumberland, D.
Richmond, D.
Winchester, M.
Bandon, E.
Beverley, E.
Cadogan, E.
Guilford, E.
Leven and Melville, E.
Manvers, E.
Mount Cashell, E.
Munster, E.
Onslow, E.
Poulett, E.
Vane, E.
Hutchinson, V. (*E. Donoughmore.*)
Sidmouth, V.
Exeter, Bp.
Bolton, L.
Chaworth, L. (*E. Meath*)
Clarina, L.
Denman, L.
Forester, L.
Foxford, L. (*E. Limerick.*)
Gardner, L.
Kilmaine, L.
Panmure, L.
Sandys, L.
Seaton, L.
Saint Leonards, L.
Tyrone, L. (*M. Waterford*
Wemyss, L. (*Wemyss, E.*)
Wigan, L. (*E. Crawford and Balcarres.*)

PUBLIC IMPROVEMENTS BILL.

THIRD READING.

Order of the Day for the Third Reading read.

The EARL OF SHAFTESBURY *moved*, That the Bill be now read 3ª.

THE MARQUESS OF SALISBURY, whose reasons were quite inaudible owing to the confusion which prevailed in the House and the noise of Members quitting the House after the division, opposed the Motion.

On Question, That ("now") stand part of the Motion? Their Lordships *divided:*—Contents 6; Not-Contents 8:—Majority 2.

Resolved in the *negative.*

CONTENTS.

Campbell, L. (*L. Chancellor.*)
Newcastle, D.
Granville, E.
Shaftesbury, E. [*Teller.*]
Foley, L. [*Teller.*]
Redesdale, L.

NOT-CONTENTS.

Salisbury, M. [*Teller.*]
Belmore, E. [*Teller.*]
Combermere, V.
Doneraile, V.
Melville, V.
Bateman, L.
Clements, L. (*E. Leitrim.*)
De Ros, L.

House adjourned at a Quarter before Two o'clock, a.m., till To-morrow. Halfpast Ten o'clock.

HOUSE OF COMMONS,

Monday, May 21, 1860.

MINUTES.] PUBLIC BILLS.—1° Councillors of Burghs and Burgesses (Scotland); Offences Against the Person; Malicious Injuries to Property; Coinage Offences; Accessories and Abettors; Forgery; Larceny, &c.; Criminal Statutes Repeal; Divorce Court.
3° Consolidated Fund (£9,500,000).

CIVIL SERVICE (INDIA.)

QUESTION.

In reply to Mr. Alderman COPELAND,

SIR CHARLES WOOD said, that by a General Order of the 1st of September, 1857, Military Officers were allowed to count as service, for retiring pension, the periods spent on leave of absence on account of wounds received or sickness contracted on field service. The hon. Member wished to know whether the Civil Servants who came home invalided, from sickness contracted during the siege of Lucknow, would have the same privilege. He (Sir Charles Wood) apprehended that what had been granted to all the Civil Servants who were in Lucknow, whether invalided or not, was leave to count one year's service towards retiring pensions.

NAVAL FREIGHT MONEY.—QUESTION.

Sir GEORGE PECHELL said, he wished to ask the Secretary to the Admiralty if any steps have been taken (on the recommendation of the late Naval Commission), to abolish the present system of sharing freight money for the conveyance of specie, jewels, or treasure, on board Her Majesty's Ships; one-fourth share being paid to the Admiral on the station, two-fourths to the Captain of the ship who signed the bill of lading or receipt for the same, and the remaining one-fourth share only being paid to Greenwich Hospital for the use of the institution.

Lord CLARENCE PAGET said, in reply, that an investigation had been instituted into that subject, among others, by a Commission appointed to inquire into the state of Greenwich Hospital, and the Admiralty did not wish to come to any decision upon the matter until they should have learnt what was the result of that investigation.

PROTECTION UNDER THE BRITISH FLAG.—QUESTION.

Mr. DALGLISH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Officers commanding British Ships of War on the coasts of Naples and Sicily have received special instructions to extend the protection of the British Flag to all persons, refugees or others, who may require it?

Lord JOHN RUSSELL said, in reply, that he had laid on the Table of the House that evening a correspondence on the subject of the reception of refugees on board Her Majesty's Ships; and he had to state that on referring to what had taken place upon former occasions he found that there was a letter written by Mr. Addington under the direction of his noble Friend (Viscount Palmerston), in the year 1849, which seemed to him (Lord John Russell) to convey the orders and instructions applicable to that or to any other cases of the same kind; and he believed the best answer he could give to the question of the hon. Gentleman was to read an extract from that communication. The noble Lord then read the following extract:—

"I have laid before Viscount Palmerston your letter of the 30th of July last, requesting, by direction of the Lords Commissioners of the Admiralty, his Lordship's opinion on a question which has recently occurred at Naples, as to the extent to which British ships-of-war in a foreign port are entitled to receive on board and shelter the subjects of a foreign Government who may be apprehensive of being persecuted if they remain on shore.

"Viscount Palmerston directs me to request that you will acquaint the Board of Admiralty that his Lordship is of opinion that it would not be right to receive and harbour on board a British ship-of-war any person flying from justice on a criminal charge, or who was escaping from the sentence of a court of law. But a British man-of-war has always and everywhere been considered a safe place of refuge for persons of whatever country or party who have sought shelter under the British flag from persecution on account of their political conduct or opinions; and this protection has been equally afforded, whether the refugee was escaping from the arbitrary acts of a Monarchical Government or from the lawless violence of a Revolutionary Committee.

"There seems to be nothing in the present state of affairs at Naples or in Sicily which ought to make a British ship-of-war stationed in a Neapolitan or in a Sicilian port an exception to the general rule; and therefore, although the commander of such ship-of-war should not seek out or invite political refugees, yet he ought not to turn away nor to give up any who may reach his ship and ask admittance on board. Such officer must, of course, take care that such refugees shall not carry on, from on board his ship, any political correspondence with their partizans on shore, and he ought to avail himself of the earliest opportunity to send them to some place of safety elsewhere."

That letter appeared to him (Lord John Russell) to be applicable upon the present occasion, and he had directed the Admiralty to adopt that rule.

THE INDIAN ARMY.—QUESTION.

Colonel SYKES said, he rose to ask the Secretary of State for India, what amount of truth there is in certain statements made in *The Times* newspaper of Saturday, the 19th of May, that the regular Native army of India under British authority consisted of 250,000 sabres and bayonets; that this great Sepoy army rose in mutiny, and it has all vanished; that the army of the East India Company has dissolved, even as the Sovereignty of the Company has dissolved; and that "a quarter of a million of disciplined Native soldiers has been destroyed;" that the Company's European army has, with a strange fatality, followed the fate of the Sepoys, and disbanded themselves. Further, he wished to ask whether it is not the fact that about 11,000 of the late Company's European troops are not still embodied, comprising European regiments that have gloriously distinguished themselves in numerous battles; together with a body of artillery equal to any in the world; and whether

fifteen regiments of the old Bengal army, eight regiments of Regular Light Cavalry, and fifty-two regiments of infantry of the Madras Native army, and three regiments of Bombay Light Cavalry, and thirty-one regiments of Infantry, all regular Native troops, do not still continue embodied in a state of loyal efficiency?

SIR CHARLES WOOD said, he had no objection to answer the question of the hon. and gallant Member; but he wished to observe that if, in addition to the multifarious subjects on which he and his Colleagues at present were expected to give information, they were to be required to enlighten hon. Members on what were really matters of history, a serious impediment would be caused to the transaction of public business, which did not go on with so much speed even at present as was desirable. It was, he thought, a historical fact that almost the whole of the Bengal Native Army mutinied. Out of seventy-four regular regiments, only eleven remained faithful; four were disarmed, and had since had their arms restored. The other fifty-nine had disappeared. As to the Madras Army, insubordination broke out in one regiment; but the remainder of that force and the Bombay army had exhibited no general signs of open mutiny. It would, he held, be an act of madness to re-establish the Bengal Native Army in its former dimension. As regards the European troops, 11,000 and upwards remained in India, more than 10,000 having taken their discharge—in other words, about half went away, while the other half remained. The whole Native army of India, he might mention, amounted to the number mentioned by his noble Friend—namely, to 250,000. He hoped the reductions would proceed more rapidly during the present year.

COUNTY RATES EXPENDITURE BILL.

QUESTION.

SIR JOHN TRELAWNY said, he wished to know from hon. Gentlemen on the opposite side of the House, whether it is their intention to oppose the introduction of a County Rates Expenditure Bill, which he intended to introduce to-morrow?

MR. SOTHERON ESTCOURT said, that the hon. Gentleman might be pretty sure that the usual courtesy of the House would permit the introduction of the measure, but as he had not yet seen it he could not give any pledge that it would not be opposed in its future stages.

Colonel Sykes

THE SICILIAN INSURRECTION.

QUESTION.

MR. A. W. KINGLAKE: Sir, I wish to ask the noble Lord the Secretary of State for Foreign Affairs a Question of which I have given him notice privately. I can assure the House that I ask the Question not from any motives of curiosity, but for a very cogent reason. The question I have to ask the noble Lord is, Whether he can give the House any information as to the light in which the Sicilian insurrection is regarded by the other Powers of Europe, and especially as to the light in which it is regarded by France?

LORD JOHN RUSSELL: Sir, I cannot undertake to answer the question which the hon. Member has put to me as to what the other Powers of Europe think of the Sicilian insurrection. I can only say that I am told that the vessel sent by the Austrian Government to the waters of Naples has been despatched entirely for the protection of Austrian subjects. I do not find that any of the Powers of Europe—certainly neither Austria nor Spain—intend to take any part against the Sicilian insurgents on behalf of the Neapolitan Government.

REFRESHMENT HOUSES AND WINE LICENCES BILL

CONSIDERED IN COMMITTEE.

Order for Consideration, as amended, read.

The CHANCELLOR OF THE EXCHEQUER said, it would greatly expedite the despatch of public business if the House would consent to consider the Amendments on the Refreshment Houses and Wine Licences Bill. If there was any desire on the part of any hon. Gentleman that the Bill should be recommitted he would not oppose the Motion, but there was great delay and inconvenience attending that course. All that he had to propose was a small number of Amendments of a verbal character, together with one, the object of which was to assimilate the notice to be given by applicants for wine licences to those now given by persons applying for licences to become licensed victuallers, and these might be considered with equal convenience on the Report. He moved that the Amendments be now received.

MR. AYRTON expressed his surprise at the course which the Chancellor of the Exchequer asked them to adopt. A number of important clauses were agreed to at a

late hour the other evening, *pro formâ*, which required discussion. The Bill, as it stood, was full of errors and anomalies. For instance, the duty to be levied on the sale of wine to be consumed on the premises was mentioned in the clause as if applicable only to foreign wines, while the licence included both British and foreign wines. It was also necessary that the House should know whether the measure was to extend in any respect to licensed inns and ale-houses, and if not, how the duties now applicable to innkeepers' licences were to be harmonized with the new duties payable under the Bill.

SIR GEORGE GREY said his right hon. Friend was ready to go into Committee to discuss the new clauses, but it would not be desirable to rediscuss all the clauses which the Committee had already adopted.

House in Committee. Mr. DEASY in the Chair.

Instruction to the Committee on the Bill, that they have power to make provision for the amendment of the Acts 5 & 6 *Will.* IV. c. 39, and 10 and 11 *Vict.* c. 89.

Clauses 1 to 3 inclusive *agreed to.*

Clause 4 (Who shall be deemed to keep a Refreshment House),

MR. SOTHERON ESTCOURT wished to know whether shops at which tobacco was sold would come under the operation of the Bill, as houses for the sale of refreshment and places of public resort?

The CHANCELLOR OF THE EXCHEQUER thought that tobacco-shops ought to be included, as they would thereby be brought under the superintendence of the police, in common with other shops open at night. The Bill would be, in his opinion, defective if it did not include tobacco-shops; but the clause had better be left as it stood, without expressly naming these shops.

Clause *agreed to.*

Clause 5 (Confectioners and Eating-house keepers entitled to take out Licences to sell wine to be drunk on the premises).

MR. AYRTON said, there were persons who might wish to take out a licence to sell foreign wines whose rent was under £20 a year. He did not gather from the clause whether they were permitted to do so, or whether if they did so, they would have to pay the same rate as those whose rent was above £20 and below £50.

THE CHANCELLOR OF THE EXCHEQUER was understood to say that there was nothing in the Bill to forbid such persons selling foreign as well as British wines to be consumed on the premises. The rate would be according to the rent—namely, £3 13*s.* 6*d.* under £20; £4 4*s.* between £20 and £50; if above £50 of course they would have to pay £6 6*s.* the maximum rate.

Clause *agreed to.*

Clauses 6 and 7 *agreed to.*

Clause 8 (Penalty for keeping Refreshment House without Licence, £20).

MR. HENLEY suggested, with reference to the powers of mitigating a penalty, the addition of the words "a sum not exceeding £20."

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill, as were also Clauses 9, 10, 11.

Clause 12 (Notice of First Application for a Wine Licence for a Refreshment House, to be given to Justices, who may object to the granting thereof, on grounds to be stated).

MR. HUNT moved the insertion of words providing that the applicant should not within three years preceding have been convicted of any offence, or have been refused the renewal of his licence for any common inn, ale-house, or victualling house.

THE CHANCELLOR OF THE EXCHEQUER begged to assure the Committee that the clause had been drawn in as full and effectual a manner as was possible to embrace the views of the Committees of both Houses of Parliament which had sat upon the subject, who had held it to be of consequence that the characters of the keepers of these houses should be looked into. The clause, he believed, would supply all reasonable tests of character, and afford such facilities for rejecting persons of bad character as were capable of being practically applied.

MR. HENLEY did not believe the clause was worth the paper it was written on. Any person happening to fall within the personal disqualifications which it contemplated, and being what was called in "Queer Street" would feel some difficulty in forwarding his real name and place of abode, and would therefore be just as likely to send in "John Man-in-the-Moon, of Wakefield, Sudbury, Gloucester, and elsewhere," as any other. But he would be sure to look out a "mother;" such persons were always to be had for a consideration, who would manufacture pork pies one day, beef pies the next, and tripe and onions on the third. With a couple of "nice young ladies" to hand the pies, the

establishment would make quite a respectable appearance; but he feared that whenever the policeman sent to make inquiries, pressed to see "the son" who had applied for the licence, he would be told that he had just stepped out, or perhaps that he had gone to the funeral of one of his wife's father's family, "either in or near Birmingham." Under such circumstances how would it be possible for the Magistrates to be certain of the identity of the man who had presented the requisition? He thought it would be a great advantage if this clause were expunged altogether.

MR. SCLATER-BOOTH approved the view taken by the right hon. Gentleman. He thought there was too much magisterial influence in the Bill already.

MR. AYRTON said, as the clause stood a man might be a ticket-of-leave man, and yet obtain a licence under this clause. He concurred with the right hon. Gentleman opposite in thinking that this clause was perfectly illusory, and that it was intended to be illusory by the framers of the Bill. He should be sorry it should go forth that the justices of the peace were only disposed to do that which was convenient and agreeable to themselves.

MR. BENTINCK said, it appeared to him, so far as he could understand the discussion, that the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) in remarking that the clause was illusory, had rather understated the case. He (Mr. Bentinck) believed the clause as it was framed to be one to enable persons of the worst description of character to open houses of this kind, which would lead to all sorts of disorderly practices, and tend to the discredit and immorality of the country. It appeared to him that the right hon. Gentleman the Chancellor of the Exchequer had rather anticipated those objections, inasmuch as he understood him to say that it was a mere matter of opinion whether the man obtaining the licence be a man of good character or not. At all events, the right hon. Gentleman was bound not to leave the question in so vague and uncertain a state as it then was, but to take care that the class of men to be licensed must possess a character not dependent altogether upon mere opinion, but upon fact. What was wanted was some effectual check upon men of bad character being allowed to obtain licences for those refreshment-houses. If any hon. Gentleman chose to move the omission of the clause he should be glad to support him.

Mr. Henley

MR. LIDDELL considered that the clause, as it stood, would be perfectly useless.

SIR JOHN SHELLEY said, the hon. Member for the Tower Hamlets had not done justice to the magistrates in supposing that they were only inclined to act in cases that gave them little trouble. The magistrates were not a body who were disposed to shrink from any duty because it might be a little unpleasant. What they complained of was that duties were placed upon them which it was next to impossible they could perform. How was it possible that they should obtain such a knowledge of every applicant for a licence, as would enable them to exercise their veto with propriety and justice? Then if anything went wrong great blame would be thrown upon the magistrates for a state of things it was impossible they could provide against. He thought it would be much better if these houses were put on the same footing as regarded their licences as beerhouses.

Clause, as amended, *agreed to*, as were Clauses 14 to 19 inclusive.

Clause 20 (What shall be deemed Foreign Wine, and what deemed Spirits),

MR. AYRTON said, this was a clause which afforded a remarkable illustration of the difference between the Bill and the reasons given by the Chancellor of the Exchequer for its introduction. They had been told that the object of the measure was to encourage the consumption of French wines, and thereby to promote temperance amongst the people. But the clause now under consideration referred to an article it called wine, containing 40 per cent of proof spirits. There was no such wine manufactured from the grape. There were compounds made abroad composed of wine, brandy, elderberries, and sugar, and which came back to this country under the name of wine; because the duty was so high it was thought desirable to have the spirit as strong as possible. The clause, therefore, would have the effect of introducing into this country compounds of a vile character, and calculated to produce intemperance rather than to discourage it. He thought that, instead of 40 per cent of proof spirit, the clause ought to say 18 or 20 per cent of proof spirits, so as to accord with the natural production of wine.

THE CHANCELLOR OF THE EXCHEQUER thought the hon. Gentleman suggested rather an arbitrary Amendment when he spoke of 18 per cent. The old law of England with regard to wine was,

that it should have 23 per cent of spirit; but the limit had now been raised to 40 per cent in the Customs. The hon. Gentleman must see that it was impossible to have one law for the Customs and another for the Excise.

MR. BENTINCK said, that the professed object of the right hon. Gentleman—namely, that of encouraging the sale and consumption of light wines—had been totally lost sight of, because the required per centage of proof altogether did away with it. He (Mr. Bentinck) had no doubt that the Bill would increase the profits of the vendors of liquors; but he felt convinced that it would not promote the health and morality of the people. On the contrary, he believed the effect of the measure would be to increase drunkenness and immorality. The right hon. Gentleman had shown, with the perspicuity which distinguished all his proceedings, that he, too, foresaw clearly what the result of his scheme would be; but he seemed to be perfectly indifferent to those results so long as it was successful in producing an increased revenue. The substitution of the word "liquor"—which substitution the right hon. Gentleman had agreed to—would cover the Bill with disrepute. It would be a disgrace to the statute-book.

MR. DARBY GRIFFITH hoped the right hon. Gentleman would pledge himself that he would at the earliest moment reduce the *maximum* amount of proof spirit to 30 per cent. Even that amount seemed high, and he should be surprised to find that naturally so much would be produced by any grapes.

Clause, as amended, *agreed to.*

Clause 21 (Licences to be void on Conviction of Felony, or selling Spirits without Licence).

MR. PACKE said, he thought that no man who was well known to be of bad character ought to be permitted to have a licence under this clause. He would, therefore, propose to introduce the words, "or be of notoriously bad character," after the words "convicted of felony."

THE CHANCELLOR OF THE EXCHEQUER thought this question had been disposed of in an earlier part of the evening. If the Amendment were agreed to, there would be no *locus penitentiæ* to any man who might have been a bad character, but who had become reformed.

Amendment *negatived.*

MR. HENLEY then proposed that before the words "clerks of the peace," the words "clerk of assize or" should be inserted.

Clause, as amended, *agreed to.*

Clauses 22 to 25 *agreed to.*

Clause 26 (Hours for opening and closing Houses licensed for Sale of Wine by Retail),

SIR MORTON PETO made a suggestion that words should be introduced placing shops licensed to sell wine in bottle under the same restrictions as public-houses in respect to opening on Sundays.

THE CHANCELLOR OF THE EXCHEQUER said, that the statute of Charles, prohibiting the sale of commodities on Sundays, would apply to wine sold in bottle, which was a commodity. If the special restriction suggested by his hon. Friend were inserted in the Bill now under discussion, such restriction would have the effect of giving the keepers of refreshment-houses an advantage over persons who would sell wine in bottle.

Clause *agreed to,* as were also Clauses 27 to 30, inclusive.

Clause 31 (Penalties for Offences in Refreshment-houses).

MR. AYRTON moved the insertion of words which would have the effect of leaving eating-house keepers not having spirit licences in the position in which they were now placed as regarded being obliged to send out for any wine which a customer might call for.

MR. HARDY thought that if the Bill was to pass, it would be better to leave it as it now stood in this respect.

MR. AYRTON mentioned that one of the largest eating-house keepers in the City had been asked why he did not take out a spirit licence. His reply was, that he preferred being without one. He did not want young men to remain after their dinner to drink, and his telling them that he had to send out for wine or spirits had the effect of making them leave immediately after dinner.

Amendment, by leave, *withdrawn;* Clause *ordered* to stand part of the Bill.

Clauses 32 to 39 inclusive, *agreed to.*

Clause 40 (Covenants against Houses, &c., being used as Public-houses to extend to Persons licensed to sell Wine under this Act).

MR. AYRTON said, he believed it was the constant practice in leases granted by the highest personage in the realm, and by such large landowners as the Duke of Bedford, Earl Fitzwilliam, and Viscount Palmerston, to insert covenants that public-

houses should not be erected upon their property. That was, in his opinion, a very proper proceeding, and as the clause before the Committee confirmed these distinguished persons in its exercise, he saw no reason why a corresponding power should not be vested in the country at large. He therefore proposed to strike out this clause and to insert one of a more comprehensive character, giving the power of preventing public-houses being opened in any locality to the rate-payeers of the district.

MR. DARBY GRIFFITH said, there was nothing in the present clause incompatible with such a clause as the hon. Gentleman suggests, if he thought proper to propose it to the Committee.

MR. NEWDEGATE expressed a hope that the hon. Member would not oppose a clause which was inserted in the Bill for the purpose of preventing the violation of covenants.

Clause *agreed to.*

Remaining clauses *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER proposed that, as they had gone through this Bill, and they were pledged to give consideration this evening to another very important Bill—the Bankruptcy Bill—the new clauses should be discussed on bringing up the report.

Upon the Question that the Chairman report the Bill to the House,

MR. JOHN LOCKE asked the opinion of the Chancellor of the Exchequer with reference to a clause he wished to introduce, repealing section 7 of the statute of the 5 & 6 *Will.* IV., chap. 39. It was introduced into an Act for a totally different purpose, and was never acted upon till the year 1858. The Act in question was passed to meet a legislative error with reference to spirits.

VISCOUNT PALMERSTON rose to order. It was not then competent for the hon. and learned Member to discuss the clause. He must do so on the bringing up the Report.

MR. JOHN LOCKE said, he was in an unfortunate position, because when he was just now about to rise to put his question to the Chancellor of the Exchequer relative to the clause, he was told he could not say anything then, but must wait till the Chairman moved that the Bill be reported, and immediately on his proposing to do so, he was again stopped. He wished to ascertain the views of the Chancellor of the Exchequer on the clause he wished to propose.

THE CHAIRMAN said, the hon. and learned Member was not at liberty then to discuss the provisions of his proposed clause. He must give notice of it if he wished to bring it before the notice of the House.

MR. JOHN LOCKE said, the clause he complained of crept into a former Bill, and it gave powers to the Excise to grant licences without the intervention of magistrates to theatres. Great abuses had arisen from it, and former Governments had consented to an alteration of the law with respect to that power. He therefore wished to know if the Chancellor of the Exchequer would oppose the introduction into this Bill of a clause repealing the one he had referred to.

THE CHANCELLOR OF THE EXCHEQUER said, the question involved in the clause the hon. Member sought to repeal was really one of police and good conduct, not of revenue, and therefore came under the consideration of the Home-office. If it was the opinion of the Home-office that the clause ought to be repealed, he should offer no objection. But whether it should be repealed by a clause introduced into the present Bill was another matter. He did not think it germane to a Bill that dealt with wine licences.

House resumed; Bill *reported;* as amended to be considered *To-morrow.*

BANKRUPTCY AND INSOLVENCY (SALARIES) BILL. — COMMITTEE.

Order for Committee read.

House in Committee.

Mr. E. P. BOUVERIE wished the Attorney General would give some fuller explanation of the financial part of his plan of Reform in the Bankruptcy Law, and state what were the prospects of a revenue being derived from the Court itself, and what would be its ultimate effect on the Consolidated Fund. The Bill placed on the Consolidated Fund a charge of £20,000 a year; it then dealt in a sweeping manner with the existing sources of revenue from the Court; and he should be surprised if in the end the rest of the charges of the Court were not thrown on the Exchequer. Many complaints were made of the constant increase of the expenditure. A chief cause of the increase was the practice of the House itself, in continually passing Bills throwing additional charges on the Consolidated Fund, which, collectively, amounted to enormous sums. Exclusive of the compensations now charged on the

Revenues of the Court, amounting to more than £20,000 a year, the expenses of the Court of Bankruptcy were £58,000. To meet this, at present there were three sources of revenue,—the percentage fees, paid in by the official assignees, amounting to £30,000 a year; these fees the Bill swept away. Then there were the stamp duties, amounting to £14,000 a year; and lastly, the main source of the revenue of the Court, the interest of the Bankruptcy Fund Account, being the interest of £1,500,000, money in the Court, belonging to bankrupt estates invested in Consols. It amounted to about £46,000. But the new charges of the Court would be £106,000, or nearly double the existing charge of £58,000. On one hand the charge was doubled, and on the other some of the sources of income were swept away, while the Consolidated Fund would be called on to make up the difference. By the operation of the Bill, the revenue from the Bankruptcy Account Fund would probably dwindle away, and become comparatively small, as the fund was no longer to be collected and paid in by officers of the Court, but by the creditors' assignees. He thought there was cause for alarm, and he objected to the possible prospect of placing such a heavy charge on the Consolidated Fund.

THE ATTORNEY GENERAL said, that the whole matter was fully discussed on the second reading of the Bill, and it was with the approbation of the Chancellor of the Exchequer that he proposed to transfer the retiring annuity and compensation fund to the Consolidated Fund. It was quite true that in consequence of the changes which had been made in the Bankruptcy Laws and the adoption of a new system the compensation fund had increased. Hitherto that fund had been charged on the future revenue of the Court; but that was an error which he had attempted to rectify by transferring that charge to the Consolidated Fund. The change which had taken place in accordance with the recommendation of the Select Committee by which trust deeds were registered produced a large sum, and if they took the average every year of those trust deeds and composition deeds, which he now proposed to bring within the range of the Bankruptcy Law, they would find that an additional revenue was produced of at least £60,000 a year. The augmentation of salaries would come out of the suitors' fund, and if any one took the trouble of looking at the returns, they would see that the augmentation of revenue was placed very much below what the additional income would actually be. He did not think that any apprehension need be felt, because putting the augmentation of revenue at £50,000 instead of £60,000 a year, there were other items which would give a sum of £80,000 a year; after abolishing the charges in the shape of per centages and stamps, there would still be a surplus of £15,000 a year. There was, he therefore thought, no fear on the score of financial grounds.

MR. E. P. BOUVERIE observed, that if the principle on which the hon. and learned Gentleman had based his calculation was right, there could be no necessity whatever for charging the Consolidated Fund with the £20,000 for compensation, because there would be an actual surplus of £15,000 per annum.

SIR FITZROY KELLY observed, that a sum amounting to upwards of £20,000 a year had been charged by former Parliaments, not upon any sound system of reason or precedent, upon what was termed the Bankruptcy Fund, and was awarded as compensation to persons for emoluments of which they had been deprived. He thought that Parliament should, in the first instance, have placed that charge upon the Consolidated Fund. He would beg the right hon. Member opposite (Mr. Bouverie) to remember what the Fund was upon which these charges were placed. If there was one Fund that ought to be left unfettered, it was the Bankruptcy Fund. He could not but express his astonishment that the House of Commons, consisting among others of so many mercantile men, should have allowed this charge to continue for so great a number of years. By its means a charge fell upon the very smallest bankrupt estate. One of the greatest benefits his hon. and learned Friend the Attorney General had proposed by this Bill was the withdrawal of this charge from the Bankruptcy Fund and placing it where it ought to be placed, on the general funds of the country. The right hon. Member for Kilmarnock seemed to have forgotten that, by a slight charge, which would scarcely be felt by any of the creditors who would come within its operation, the hon. and learned Gentleman had provided a fund large enough to meet any deficiencies that might arise. He hoped the Committee would feel that there was no objection to the transfer of this charge, which would

only be an act of justice to the commercial interests of the country.

MR. W. WILLIAMS asked, if the hon. and learned Gentleman would consent to place this amount on the Civil Service Estimates, so as to be voted annually, and that the House might see exactly how the accounts stood? Because, if it was transferred to the Consolidated Fund, the House would have no control whatever over it.

THE ATTORNEY GENERAL said, that what he desired to be done was, that Parliament should, year by year, be made acquainted with the state of these funds, and there was a particular provision requiring that a return of revenue and expenditure of the Court should be made annually, which should be in the most distinct form, specifying the various items. It was necessary that these payments should be made regularly, and therefore it would be inconvenient to have them placed on the Votes, but it would be competent to any Member of Parliament at any time to call attention to the Return, and to propose a Resolution with respect to it.

MR. BOWYER thought the charge ought to appear annually in the Civil Service Estimates. Everybody knew how difficult it was for Members to get an opportunity of bringing charges on the Consolidated Fund before the House.

THE ATTORNEY GENERAL said, that in cases of compensation the grants were generally made by Parliament, and therefore the cases must already have received the assent of Parliament, as it was at the will of Parliament such compensations were granted. He thought therefore these grants were fairly placed on the Consolidated Fund. He did not see how they could be put upon the Estimates as the parties were absolutely entitled to the compensation given to them.

MR. MALINS entered his protest against the doctrine of the hon. Member for Lambeth. Why was this to form an exceptional case? By the same course of reasoning they might make the salaries of the Judges and other high officials dependent upon the vote of the House year by year. He thought these compensations and allowances were properly placed on the Consolidated Fund.

1. *Resolved,*

"That the Salaries, Allowances, Remunerations, Retiring Annuities, and Compensations which may become payable to certain persons appointed under or affected by any Act of the present Session for amending the Law relating to Bankruptcy and Insolvency in England, shall be charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

2. *Resolved,*

"That the Order for vesting any Estate or Interest in any Copyhold or Customary Land belonging to a Bankrupt, shall be chargeable with the same Stamp Duty as would be chargeable on a like disposition of the same Land by the ordinary mode of Assurance."

3. *Resolved,*

"That the following Stamp duties in lieu of Fees shall be charged in cases of Bankruptcy and Insolvency in England:—

Document.	Stamp Duty in lieu of Fees. £	s.	d.
Every Petition for adjudication of Bankruptcy, or for arrangement between any debtor and his creditors, or for the distribution of the estates and effects of a deceased debtor subject to the repayment to the assignee by the chief registrar of one-half of the said Stamp Duty, if the assets realized under the Bankruptcy shall not exceed the sum of three hundred pounds	5	0	0
Every such Petition as aforesaid when presented to the London District Court or a County Court . .	1	0	0
Every declaration of Insolvency	0	2	6
Every summons of debtor . . .	0	2	6
Every admission of such debtor .	0	2	6
Every bond with sureties . .	0	5	0
Every application for search for Petition or other proceeding . .	0	1	0
Every application for appointment of sitting or meeting in any matter of arrangement under this Act .	0	5	0
Every allocatur by any officer of the Court for any costs, charges, or disbursements,—where such Bill of Costs shall not exceed £5 . .	0	1	6
Exceeding £5 and not exceeding £10	0	2	6
„ 10 „ 20	0	5	0
„ 20 „ 30	0	7	6
„ 30 „ 50	0	10	0
„ 50 „ 100	0	15	0
„ 100 „ 150	1	0	0
„ 150 „ 200	1	10	0
„ 200 „ 300	2	0	0
„ 300 „ 500	3	0	0
„ 500 „	5	0	0

Resolution to be reported *To-morrow.*

The House resumed.

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read,

MR. CRAWFORD said, he had an important petition to present in favour of this Bill, signed by 1,000 of the principal merchants, bankers, and traders of the City of London. The petitioners stated that,

having had time to consider the Bill of the Attorney General, they "anticipate such important advantages from the proposed changes in the law that they earnestly pray your hon. House not to allow any unnecessary delay to occur in the consideration of the measure, so that it may pass both branches of the Legislature during the present Session of Parliament." This petition was signed by nearly every mercantile house, banking firm, and large trading house in the City.

MR. MURRAY presented a petition, signed by a large number of solicitors and others, setting forth the claims of the messengers in bankruptcy, and submitting that they ought not to be dismissed without due compensation being awarded.

MR. FRANK CROSSLEY would take that opportunity of stating that his constituents felt much indebted to the Attorney General for having introduced this measure.

Motion made that the House do now go into Committee on the Bill.

MR. VANCE said, there was no department of the law which had undergone more frequent changes of late years than that relating to bankruptcy. The Bankruptcy Bills which had been successively proposed had each found considerable favour in its day, but had each proved a failure in its turn. None of them had acquired more popularity than the measure of the Attorney General, and he (Mr. Vance) believed the reason was that it extended the jurisdiction in bankruptcy and insolvency to the County Courts, which at present were very popular. He (Mr. Vance) however thought that this course would prove very unsafe, for he did not think that the County Court Judges had sufficient experience in that branch of the law. Another reason why the Bill had been received with favour was that it threw a heavy burden upon the Consolidated Fund, and relieved the suitor in like proportion. A bankruptcy could not be administered but at considerable expense under the cheapest administration, not only on account of the strict legal investigation which must attend it, but also it forced realization of the assets which under any system that might be established would entail heavy loss on the estate. They would shortly have to deal with the case of Ireland and of Scotland in connection with the question. At present the suitors in Ireland were burdened with a large amount of fees and other expenses; but after the Bill passed for that country those expenses would be charged on the Consolidated Fund in the same way as was proposed with respect to England by the present measure. This Bill destroyed the distinction between bankruptcy and insolvency. He did not object to that as a general principle; but in doing so it also destroyed some of the safeguards which the *status* of bankruptcy and insolvency possessed. The power of punishing fraudulent insolvents and bankrupts was now to be transferred to a criminal court by the machinery of a prosecution and a jury. He considered that we derived a great advantage from the simple process of a Judge being enabled, without the ordinary forms of a Criminal Court, to remand a fraudulent debtor for a certain period. But under the proposed measure the creditors would be compelled to proceed by a troublesome and expensive machinery in a Criminal Court against the party guilty of any offence deemed punishable by the Judge. He thought that few creditors would be found to follow up such proceedings, and consequently there would so far be a failure of justice. There were some other clauses in the Bill to which he objected. At present the Judge had the power to suspend or deny the certificate of a bankrupt. By the proposed Bill, if a prosecution took place, and if a bankrupt be imprisoned for even six weeks, the Judge had no power to suspend his certificate beyond the period of his imprisonment, he must grant his certificate at the end of his punishment. Now a great many bankrupts would rather incur not only the odium, but also the unpleasantness of a long incarceration rather than be deprived of their certificate for perhaps a period of twelve or eighteen months. He further objected to the denial by the Bill of the right of appeal in certain cases. At present if a Commissioner of Bankruptcy in London refused a proof or a certificate, the party had a right to go before the Lords Justices, who constituted a Court of Appeal, and there claim a reversal of the decision of the Commissioner, not only as regarded a question of law but also one of fact. By the present measure the appeal could only be made upon a question of law or the reception of improper evidence. This Bill also restricted the right of solicitors to practise in the Court—a right hitherto possessed by them. He could not understand upon what principle the solicitors should now be denied that right, which was to be confined exclusively to

barristers. The measure was also, in his opinion, objectionable in regard to the matter of arrangements under the control of the court. He had no objection to those arrangements, believing that they were most desirable in many cases where the expenses of bankruptcy might be avoided; but what he objected to was the privacy under which those arrangements were to be made. He thought it was desirable that the public should receive full warning of a debtor's defalcations. By the present Bill a man might make ten successive private arrangements with ten different sets of creditors, without the public knowing anything about them beyond the circle of those same creditors. He proposed that there should be a certain publicity given to those arrangements at the time when they were effected. He further objected to the provision giving Friendly Societies an advantage over all other creditors in regard to obtaining their debts in full. He contended that the principle *caveat emptor* should be universally recognised in all commercial transactions. In objecting to the details of the measure of the Attorney General he did not wish to be considered an opponent of its principles, of which he approved; but if it were considered in Committee on those points to which he referred, he would rather allow the law to remain as it stood with all its acknowledged defects.

MR. BRISCOE said, he should cordially support the application for compensation to that valuable and meritorious class of public officers—the messengers in bankruptcy, who he considered had a strong claim upon the Attorney General in connection with the present measure. The principle had been fully recognized in the Bill introduced by the Lord Chancellor, as well as in the measure brought into the House by the noble Lord the Member for the City of London. Clauses were inserted in each of those Bills giving compensation to the messengers in the event of their offices being abolished. He was of opinion that it would be an act of the greatest injustice towards the holders of those important offices—offices which were far more important than this measure seemed to imply—if the Attorney General did not introduce clauses into his Bill giving them full and adequate compensation.

MR. LESLIE said, he thought that the measure in the main was one of a salutary and valuable character. He, however, suggested that the Chief Judge under the Bill should have conjoined with his judicial character that of Commissioner also. Such an arrangement was likely to work far more advantageously for the public. It appeared to him that the Bill would be much better, more simple, and less expensive, if that functionary, preserving his original jurisdiction, could look over the list of bankrupts in his department and demand explanations of the parties concerned as to whether dividends had or had not been given under certain circumstances.

COLONEL SYKES said, he had received several letters respecting the position of certain officers in bankruptcy, and their right to adequate compensation under the Bill of the Attorney General. He wanted to know from the hon. and learned Gentleman upon what principle of justice or equity the messengers were to be excluded altogether from compensation. He confessed he could not understand why the principle of compensation should be admitted as regards other officials, and at the same time be considered inapplicable to the messengers, who were as useful and as faithful a body of public servants in a relative degree. He trusted that the Attorney General would see the propriety of amending his Bill in this respect.

Motion *agreed to;* House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Commissioners of the Court of Bankruptcy in London released).

MR. WALPOLE called attention to this clause, as regarded the provision at the end of it, and in connection with other clauses of the Bill. It was a clause directing the jurisdiction of the Commissioners. It enacted that these officers should cease, and that they should be relieved, and their duties, "subject, however, to the obligation of performing certain duties as hereinafter described." He suggested that the latter words should be omitted. The Commissioners of Bankruptcy in London were judicial officers, receiving a salary of £2,000 a year, being a larger income than that given to the country Commissioners. Looking at the clause as it stood in conjunction with Clause 5, it would appear that the Commissioners in London, whose functions were to cease, were still liable to perform duties in the country upon a lower income than they at present possessed. The Commissioners held their office under patent from the Crown, and the House had always acted on the principle that an office held by patent could in no case be taken away without full compensation to the

officer whose office was to cease. There were other clauses of the Bill bearing on this point, enabling the Commissioners to retire upon a pension of two-thirds of their income. He objected to that, upon the ground that such an office should not be taken away, unless upon the principle that the holder of it should have the full amount of salary which he had received. He moved the omission of the words to which he had called attention.

THE ATTORNEY GENERAL said, it was incumbent on him to declare that officers of such long standing and possessing such acknowledged talent and ability, were entitled to the fullest consideration as regarded their salaries and their release from any further duties. The necessity for removing the Commissioners arose not from any complaint of the manner in which they had performed their duties, but from the defects of the system of which they formed a part. It was hardly possible to state the necessity for the change without employing language which would give some degree of pain to those eminent and able gentlemen. He could only express his regret that there should be anything in the Bill which could for a moment give rise to the idea that any reflection was intended to be cast upon them. He trusted, therefore, that this public acknowledgment of the respect to which he considered them to be unquestionably entitled for the long and valuable services they had rendered—for they had all held office he believed since 1832—would be accepted in the spirit in which it was offered. He believed them entitled to the highest consideration, and he begged at once to disclaim any intention to detract in the slightest degree from the merits of a class of men who were universally esteemed and respected. It was, therefore, with considerable pain that he wrote in the Bill the words which, if the Bill were passed, would invest the Lord Chancellor with the power of sending any one of those long-tried and eminent public servants from the scene of their official duties in London to the country; but he thought it right to submit to the House of Commons the full extent of all the judicial duties hereafter to be performed under the Bill, and to propose to make these learned Gentlemen liable contingently to the occasional discharge of those duties, leaving it to the good feeling and justice of the House to narrow the extent of those duties, if it were right that they should be narrowed. His own feeling was that not only would it be a great hardship, but that gentlemen would shrink from requiring any one of these judicial functionaries, who had been long employed in the administration of justice in London, to go down to some remote part of the country for a month or two. He was glad that his right hon. Friend had adverted to the subject, and he should propose to alter the clause so that the London Commissioners might be liable only to discharge extra duties of the same character and quality as now in, and not out of, London, such duties being of precisely the same character as they had with so much credit to themselves and advantage to the public discharged for so long a period.

SIR FITZROY KELLY said, he entirely concurred in the Amendment proposed by his right hon. Friend the Member for the University of Cambridge. With respect to the learned Commissioners there was scarcely one of them with whom he could not claim a personal acquaintance. Some of them had been for a great number of years in the public service, and all of them had discharged their duties in the most efficient manner, and this, in some instances, under circumstances of great difficulty. The Commissioners had, in fact, discharged these duties in a manner which had secured for them the approbation, not only of the mercantile public, but of all who were competent judges of the proper mode of conducting an official administration such as that which had been confided to them. He had known Mr. Serjeant Goulbourn from an early period of his career. That learned gentleman at one time discharged the duties of a Welsh Judge to the satisfaction of the entire Principality; and all the tests—practice at the bar in London and the provinces, and success as a Judge—had proved that he was entitled to that public confidence which he so fully enjoyed. With regard to the clause itself he would suggest for the consideration of the Attorney General whether it was really necessary to throw on the Commissioners the new obligations proposed by this Bill. It appeared to him to be a departure from the implied contract between the public and these judicial officers to impose on them duties beyond those they had contracted to perform. He was sure that the Commissioners would perform any functions which Parliament might impose on them; but certainly they should not be asked to discharge duties of an inferior character.

MR. MELLOR expressed his satisfac-

tion that the Attorney General had spoken in the terms he had done of the Commissioners, and had struck out of the Bill words that threw on them duties they had not contemplated. He quite concurred in the Amendment he proposed.

MR. WALPOLE said: after the statement of the Attorney General he did not think it necessary to press his Amendment.

Clause, as amended, *agreed to.*

Clause 3 (Commissioners of the Insolvent Debtors Court released).

MR. E. P. BOUVERIE asked whether it was intended to release the Commissioners of the Insolvent Court, or to continue their services?

THE ATTORNEY GENERAL was understood to reply, that as their duties would be performed in the Court of Bankruptcy, he did not propose to continue their services.

Clause *agreed to;* as were Clauses 4 to 7 inclusive.

Clause 8 (Appointment of Judge).

MR. BOWYER said, he could not let a Bill pass through Committee, constituting a New Court to be presided over by a single Judge, without entering his protest against courts of justice having only one Judge. He thought the time was not far distant when the Courts for the administration of justice would have to be remodelled. Courts having only one Judge were formed on a vicious principle. It was vesting in one man too much power, and caused the production of too much arbitrary judge-made law. The fundamental principle of the common law was that it was within the breast of the Judge; therefore the common law was that which the Judge decided, and thus they had what was termed "a vicious circle." This made it the more important that the judicial power should not be vested in a single Judge; for when several Judges sat together, one restrained the other. In former times it was a great object to secure the independence of the Judges, and that, so far as the Crown was concerned, had been accomplished. But he thought the Judges had been made too independent. Certainly it was said they were dependent upon public opinion and the bar. But the public knew not the law, and it was in such a state that lawyers knew little of it themselves. Then as to the bar, the influence of the Judges over gentlemen in practice was very great, and as their prospects in life depended upon being on good terms with the Judges, they did not venture to oppose the decisions which were come to. If an attack was made in that House upon the decision of a Judge, one barrister after another rose and said he was the most learned Judge who ever sat on the bench. If a Judge was popular with the bar he could do anything he pleased. He should have no difficulty in showing some decisions of Judges which were so monstrous that no man but a lawyer would believe them possible. He protested against the arbitrary power which was vested in single Judges, who were quite uncontrolled in court. He referred especially to the courts of equity. The system was extremely mischievous. ["Question."] It was the Question. He spoke upon a clause of a Bill which proposed to constitute a new court with one Judge. There was a greater chance of having sound decisions when three, or four, or five Judges sat together. He felt convinced the time would soon come when the whole system would have to be revised, and when the power of a Judge sitting alone and uncontrolled to decide important questions relating to the interests of fellow-creatures would be abolished. He would not propose any Amendment, because the subject he had propounded was not yet ripe for discussion; but he hoped the question would not be overlooked by the press of this country.

Clause *agreed to.*

Clauses 9 and 10 *agreed to.*

Clause 11 (Rank of Judge).

SIR FITZROY KELLY proposed an addition, providing that the Judge, if a Privy Councillor, should be a member of the Judicial Committee of the Privy Council. That was following the rule adopted in the Testamentary Jurisdiction Act.

THE ATTORNEY GENERAL thought the Amendment interfered with the Prerogative of the Crown. However, as it appeared that words to the effect now proposed were in an existing Act, he had no objection to the Amendment.

Amendment *agreed to;* Clause *ordered* to stand part of the Bill.

Clause 12 *postponed.*

Clause 13 (Vacation Deputy).

MR. HENLEY said, that the Chief Judge would have £5,000 for working nine months in the year, whereas his Deputy would only have £400 for doing the Chief Judge's work during his vacation of three months. If that deputy was equal to do the work of the Chief Judge, why should the country pay £5,000 a year for

a Chief Judge? The amount of the Chief Judge's work was not stated.

THE ATTORNEY GENERAL said, that the duration of the long vacation would be, as in the Court of Chancery, from the 10th of August to the 26th of October; the duration of the Christmas vacation would not extend over more than fourteen days; and the vacation at Easter would extend over eight or nine days.

MR. HENLEY said it appeared, then, that the aggregate number of holidays would amount to about three months, so that the Chief Judge was to have £5,000 for nine months' work; while another person, who was presumed to be equally well fitted for the work, was to have £400 for three months. There might be good reasons for the discrepancy, but he confessed he could not see them.

THE ATTTORNEY GENERAL explained that during the vacation the sittings of the appellate Court would be wholly suspended, so that when the Deputy was presiding, the only business would be that which might properly be transacted by a subordinate judicial officer.

MR. MURRAY asked why, in that case, the duties of the Deputy should not be discharged by a Commissioner of Bankruptcy?

SIR HUGH CAIRNS had no doubt the Lord Chancellor would appoint one of the Commissioners of Bankruptcy to perform this duty. It was for the interest of the public to ensure the services of the most competent persons for the high office of Chief Judge; but the competition would be considerably diminished if the chief Judge were not to have the same vacation as the other Judges. His right hon. Friend (Mr. Henley) must not suppose that this sum of £400 would represent an aliquot part of £5,000, because the Judge, who would sit during the vacation, would put aside all the business that was not pressing and urgent.

MR. MALINS agreed that it was desirable in the interest of the public as well as of the Chief Judge that he should have the usual vacation. The present Commissioners could not, he thought, complain, if, once in four or five years, they performed in turn the work of the Chief Judge during the vacation.

MR. E. P. BOUVERIE remarked that such an arrangement would be a species of tontine, which would press very hardly on those Commissioners who lived the longest.

SIR HENRY WILLOUGHBY expressed a hope that some explanation would be given of the financial bearing of the Bill. They ought to know something of what it would cost the country in the shape of compensation. The charge upon the Consolidated Fund for Compensations arising from alterations in the law courts was something alarming, and the Courts of Bankruptcy and Chancery took by far the larger portion of the charge. The sums paid as compensation to officers of these courts exceeded the total amount for judi cial expenditure in some of the countries of Europe. He wanted to know when they would have the opportunity of discussing this point, as he was determined to take the sense of the House upon it when the proper time arrived.

MR. W. WILLIAMS hoped the Attorney General would adopt the suggestion of the hon. Member for Wallingford. The Commissioners ought to have something to do. He remembered that at the time the Commissioners were appointed at a salary of £1,800 a year each, it was said that not one of them earned £500 a year at the bar.

THE ATTORNEY GENERAL said, that the proper time to object to these compensations was when the Resolutions upon the Bankruptcy Salaries, &c. Bill was under discussion. It was a great mistake to suppose that the Court of Chancery was indebted to the Consolidated Fund. If the balance were struck, and if the Suitors' Fund were emancipated from the burden thrown upon it, the Consolidated Fund would have £200,000 a year additional to bear. The accumulated fees of the Suitors' Fee Fund ought to be dedicated to the purpose of relieving the suitors from the fees of the Court of Chancery.

SIR HENRY WILLOUGHBY said, that he distinguished between the charge on the Consolidated Fund, the Suitors' Fund, and the Fee Fund. What he objected to was this wholesale system of compensations.

MR. E. P. BOUVERIE suggested to the hon. Member for Evesham that as none of the salaries clauses had passed the Committee this evening, the best plan would be to raise the question on the Report of the Resolutions from the preliminary Committee.

THE ATTORNEY GENERAL wished to inform the hon. Baronet (Sir H. Willoughby) that there was not a word about

compensation in the Bill from beginning to end.

Mr. BOWYER condemned the fallacy which seemed to be generally entertained that a Judge with £4000 a year was a superior man to one with £400, whereas, although the more fortunate, he was probably the less efficient of the two. He thought that three Judges with £5000 a year divided among them would be a far better arrangement.

Clause *agreed to.*

Clause 14 (Commissioner of London District Court).

Sir FITZROY KELLY urged that it was exceedingly necessary that the chief Judge should be appointed before the Act came into operation. He wished to know whether it was the intention of the Attorney General to extend the jurisdiction of the County Courts from £300 to £1,000 throughout the whole of England and Wales, with the exception of the London district; whether he proposed to give such jurisdiction up to £1000 to the Commissioner within the London district; and whether he was disposed to consider the propriety of constituting Norfolk and Suffolk, the outlying portion of the London district, a separate district with a Commissioner of its own.

The ATTORNEY GENERAL said, he agreed that it would be better that the Chief Judge should be appointed before the Act came into operation, and would take power to make the appointment immediately after the Bill passed. The County Courts within the London district, but beyond the limits of the Metropolitan district, would have the power of dealing with any bankruptcy up to the extent of £1,000 assets, which the creditors, by a majority, might choose to delegate to them. He did not see the advantage of giving creditors the power of sending bankruptcies to the London District Court which exceeded £300, and were less than £1,000, because there would be no difference in the mode of administration, and very little in the amount of fees. His aim was to bring the County Courts into a state correspondent to the Sheriffs' Courts in Scotland, and he did not see that any other more satisfactory mode of local administration could be provided. With regard to the suggestion to furnish certain districts with a local Commissioner, it was impossible to accede to the proposition, unless they were prepared to put the whole provincial administration in the hands of district Commissioners.

Mr. WALPOLE said, that the clause gave power to appoint to the office of London District Commissioner any Commissioner of Bankruptcy or Insolvency, or any barrister of twelve years' standing. He wished to have an assurance that no new Commissioner should be appointed to the Chief Judgeship of the London district while the services of the present Commissioners could be obtained.

The ATTORNEY GENERAL informed the right hon. Gentleman that he quite agreed with him that the present Commissioners were, of all others, the best men who could be appointed; but he could give no such pledge as the right hon. Gentleman required. He was not consulted upon their appointment, nor had he been consulted on the appointments either on the Testamentary Jurisdiction Bill or the Divorce Bill. If his right hon. Friend addressed himself to the noble Lord at the head of the Government, he would probably receive a satisfactory assurance.

Mr. WALPOLE thought, that of all others, the Attorney General should be consulted on those appointments. For instance, there was no one, as all the Commissioners agreed, more capable of fulfilling the office of Chief Judge than Commissioner Holroyd; and he thought they ought not to allow the Bill to pass without receiving from the noble Lord some assurance that such men would be appointed.

Mr. E. P. BOUVERIE hoped that his right hon. and learned Friend would give notice of a distinct clause on the bringing up of the Report, providing for the appointment of one of the existing Commissioners.

Mr. HENLEY concurred that it was most desirable to move the insertion of such a clause, unless a satisfactory assurance should be received from the noble Lord.

Clause *agreed to;* as were also Clauses 15 to 21 inclusive.

Clause 22 (Salary).

Mr. E. P. BOUVERIE thought the original salary of the District Commissioners, which was £1,500, sufficient. When they were made Commissioners in Insolvency as well as Bankruptcy, £300 a year was added. But the insolvency business had since been taken from them, and given to the County Court Judges; but the Commissioners retained the higher salary of £1,800. As it was doubtful whether these Commissioners would be kept alive, he should move, as an Amendment, that the salary of £1,800 be limited "to the per-

sons now discharging the duties of such Commissioners."

Amendment proposed, in page 6, line 3, after the word "Commissioner," to insert the words "now discharging the duties of such Commissioner."

MR. BRISTOW thought the salary of the County Court Judges, £1,500, quite sufficient for the District Commissioners of Bankruptcy.

SIR FITZROY KELLY considered the Amendment premature, if the business of insolvency were to be again transferred from the County Courts. The District Commissioners had performed their duties to the satisfaction of the public for twenty-eight years, especially in the larger towns. Many of them had made considerable sacrifices in accepting these appointments.

MR. W. WILLIAMS said, County Court Judges obtained £1,500 a year in what he might term a surreptitious manner. It was understood when the £300 a year additional was given to the County Court Judges that on all future appointments the salaries should be reduced to £1,200.

MR. MELLOR complained of the language employed by the hon. Member for Lambeth. He did not understand what the hon. Gentleman meant by the sum fixed as the County Court Judges' salaries having been increased surreptitiously. He complained also of an assertion made by the hon. Gentleman earlier in the evening that barristers had been appointed Commissioners who were not earning £500 a year by their profession before their appointment.

MR. W. WILLIAMS had merely stated what, at the time the appointments were made, was a notorious fact. He repeated his assertion that the higher salary was carried surreptitiously, when the question was under discussion.

MR. CLAY said, if the salaries of the County Court Judges had been increased the labour of the office had been increased also.

MR. HENLEY thought if the Committee did not agree to the Amendment the salaries of the County Court Judges would, hereafter, have to be brought up to the same level. It ought to be left open to consideration whether the successors of the present Commissioners should have £1,800 or £1,500 a year.

THE ATTORNEY GENERAL believed the ordinary meaning of the word "surreptitious" would be, that a fraud had been practised on the House. On whom did the hon. Member for Lambeth fix that charge? As to the salaries of the County Court Judges, he thought they had been treated in a niggardly manner. Their duties had been augmented, and they had given great satisfaction. The hon. Member probably knew men who would undertake to do the work for £500 a year; but the salary in such a position should be suited to the talent, the respectability, and the independence required in it. By the Amendment the Committee was deliberately asked to reduce the scale of judicial remuneration; but he should object to putting the successors of the Commissioners on a lower scale of salary than those who now held the office. He earnestly entreated those of the Committee who were anxious to maintain the judicial institutions of the country not to assent to so insidious a proposal.

MR. MALINS observed that it was most important that all judicial officers should have independence secured in their various positions, and he denied that it could be reasonably said that £1,800 was too large a salary for the services rendered by the Commissioners.

MR. AUGUSTUS SMITH said, the only fault he found with the Amendment was that £1,200 a year was not proposed by it, instead of £1,500 a year.

MR. BRISTOW supported the Amendment, believing the Commissioners would be amply remunerated with £1,500 a year.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 68; Noes 68:—And the numbers being equal the Chairman declared himself with the Noes.

MR. E. P. BOUVERIE said, he hoped that the Attorney General after the division which had just taken place would reconsider this question. He should not have moved the Amendment if he did not think that the salary of £1,500 a year for all future Judges under this Bill amply sufficient.

THE ATTORNEY GENERAL said, they would have other opportunities for the consideration of this question. He, however, objected upon principle to the reduction of the salary as proposed.

MR. AUGUSTUS SMITH said, that the lower salary was only intended to apply hereafter to those who were appointed to any future vacancies that might arise.

Question put, "That Clause 22 stand part of the Bill."

The Committee *divided:*—Ayes 118; Noes 38: Majority 80.

Clause *agreed to;* as was also Clause 23.

Clause 24 (Appointment to Vacancies).

THE ATTORNEY GENERAL moved a verbal Amendment rendered necessary by alterations in the previous clauses.

MR. E. P. BOUVERIE said, that the proviso in this clause raised the question, whether the bankruptcy jurisdiction should be entrusted to the County Court Judges. This subject had been carefully considered six years ago by a Commission, at the head of which was the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), and which had among its Members Sir George Rose, Mr. Swainston, Mr. M. D. Hill, Mr. Bacon, Mr. Commissioner Holroyd, and Mr. G. C. Glyn, M.P. The Commissioners, after due consideration, recommended that the transfer of bankruptcy jurisdiction to the County Court Judges should not be made. They pointed out that there were several substantial distinctions between the two courts,—for example, that the County Courts were essentially contentious and ambulatory, while the Court of Bankruptcy was not essentially a contentious court, and ought not to be ambulatory, because its records and documents ought to be accessible. Lastly, the Commissioners urged with great force that the County Courts had only a limited jurisdiction up to £50, whereas the Bankruptcy Court had no limit to its jurisdiction, and decided most important matters without any restrictions, both in law and equity. He should, therefore, move the omission of the proviso at the end of the clause giving jurisdiction in bankruptcy to the County Courts.

MR. WALPOLE said, as the right hon. Gentleman had made reference to him as one of the Commissioners whose names were appended to the Report in question, he wished to assure him and the Committee generally that he continued decidedly of the same opinion as was therein expressed. He was strongely of opinion that the jurisdictions of the two Courts were of a wholly different character—the one being contentious, the other administrative. He thought that such a transfer of jurisdiction as was now proposed would destroy all the efficiency of the County Courts, which would then be unable to discharge their duties with that efficiency and propriety as had given such satisfaction to the suitors and the public generally. Looking at the 22nd, the 24th, and 25th clauses together, he would remind the Attorney General that the Committee was asked to establish different Judges with different salaries, and to mix up the duties of the one with the other in point of jurisdiction. By Clause 22 the hon. and learned Gentleman was appointing Judges to administer matters in bankruptcy at a salary of £1,800 each. By Clauses 24 and 25, he was going to transfer to the County Court Judges a new jurisdiction in bankruptcy, and to create, by Clause 25, new County Courts with bankruptcy jurisdiction added to them. To the County Court Judges who should receive this accession of jurisdiction, a salary of £1,500 a year was assigned: the other County Court Judges would receive a salary of £1,200 a year only. The greatest confusion would ensue by the mixing up of those jurisdictions which were perfectly distinct as to authority, functions, and salaries. He was convinced that such a system would not last for two years. In the first place, the efficiency of the County Courts would be impaired; secondly, their bankruptcy jurisdiction would not be well administered; and thirdly, Parliament would have to raise all the other salaries to the level of the Judges of the District Commissioners of Bankruptcy with salaries of £1,800. There was only one mode by which they could give satisfaction to the suitors and to the public with regard to the payment of these various Judges, and that was to keep the County Court jurisdiction entirely distinct from questions of mere administration. There could then be three classes of Judges; first, the superior Judges, then the Judges of the Metropolitan Districts, who, on the ground of greater expense, &c., might receive £2,000 a year; and, lastly, a third class of judicial officers, who should all have one rate of salary, whether Commissioners of Bankruptcy or County Court Judges, who should give their whole time to the public, and be put upon an equal footing. For these reasons, which would be found stated at length in the Report of the Commissioners, he supported the Amendment.

MR. EDWIN JAMES remarked that the great difficulty in the bankruptcy law was the administration of the country jurisdiction. He could not see any objection to transferring the bankruptcy jurisdiction in the country districts to the County Court Judges. They already had jurisdiction in insolvency.

MR. M. T. SMITH held that the County court Judges were at present fully employ-

ed in discharging duties totally alien from administering the law of bankruptcy; and were, from their present occupations and previous practice at the bar, totally unqualified to administer the estates of insolvent debtors, which in reality were the duties which under this Act would devolve upon them. As a matter of economy the proposition would be a failure, for if this function were superadded to their present onerous duties it would be necessary to increase the number of County Court Judges. The object of the Bill was to obtain a better administration of effects, and to carry that out it was necessary to appoint gentlemen acquainted with such matters, who were acquainted likewise with the principles of equity, and whose time was not taken up with other duties. If such officers were appointed it might be practical to make them ambulatory.

THE SOLICITOR GENERAL said, it would not be obligatory on the Crown, under this Bill, to appoint the County Court Judges as administrators of the bankruptcy law. It would be lawful for the Crown to do so as vacancies occurred; but the exercise of the power would, no doubt, very much depend upon the circumstances of the district and the community. In such places, for instance, as Manchester and Liverpool a special Judge would be appointed, while in other parts of the country it would be found more convenient to commit the business to the County Court Judge. He, however, believed that if there was any one part of the Bill upon which more than another the country seemed to have set its mind, it was the scheme for transferring the administration of the bankrupt law from Commissioners to the County Court Judges. The County Court Judge was, it was true, itinerant; but he could be made as stationary, for the purposes of this law, as any other Judge—and indeed, there was a clause later in the Bill to meet that objection—while, on the other hand, if it was found conducive to the due and efficient administration of the law that the sittings should be held at different places, which would sometimes be the case, then the objection fell to the ground. It was urged as an objection to this transfer that the functions of the County Court Judges were now in contentious proceedings, while the proceedings in bankruptcy were non-contentious. This was true only to a certain extent. There were many contentious questions in bankruptcy. The County Court Judges were selected from gentlemen of ability and experience at the bar; and he felt confident that they would give as much satisfaction in administering the bankrupt law as they had given in discharge of their present functions. He should vote against the omission of the proviso, because he believed that they would by omitting it, disappoint the reasonable expectations of the public and impair the efficiency of the Bill.

MR. MALINS said, that the County Court Judges went a circuit, and generally gave only one day to each place. How, then, were they to undertake bankruptcy cases which might take three or four days to hear? Could his hon. and learned Friend the Attorney General get over that difficulty, and show that the County Court Judges had sufficient time to discharge the new duty which it was proposed to impose upon them? If he succeeded in doing so he (Mr. Malins) should vote for the clause, for as it was not imperative, but merely gave the Crown the power of transfer, he did not like to vote against it. On the ground of economy, he thought the existing arrangement the better one. Let the House suppose the case of the commissionership of Liverpool becoming vacant. Well, if the jurisdiction of the Liverpool Bankrupt Court was transferred to County Courts it would be divided amongst no less than eleven of them. This would involve an expenditure of £3,300, the additional salary which would have to be given to the Judge of each of these courts being £300. The salary of the Commissioner was £1,800, so that there was an expenditure of £1,800, as against £3,300, in favour of a Commissioner.

MR. BAINES wished to say that the feeling of the mercantile community was not so generally in favour of the transfer of the business of the Bankruptcy Court to the County Court Judges, as the hon. and learned Solicitor General seemed to imagine. He (Mr. Baines) had presented a petition from the Leeds Chamber of Commerce, in which an objection was taken to it, on the ground that the Judges of the County Courts were at present fully employed, and that many of them were not adequately versed in mercantile law.

MR. HEADLAM said, the rejection of the clause would inflict the greatest disappointment on the public. His opinion coincided with that of mercantile men, that there was not the slightest reason to suppose that the County Court Judges were incompetent to exercise bankruptcy

jurisdiction; and, as it was the undoubted wish of the whole community that it should be intrusted to them, he should support the clause.

Mr. E. P. BOUVERIE said, that even if the feeling were universally in favour of the transfer of jurisdiction to the County Courts, it was not conclusive; because it was their duty to determine what was best for the country, and to set aside the inconsiderate views of people out of doors. But he took issue with the hon. and learned Gentleman as to the universality of that feeling. The Committee of the Liverpool Law Society had drawn up a Report on this Bill, in which they said they considered that all matters of bankruptcy and insolvency should be brought under the jurisdiction of one Court; that they quite disapproved of any jurisdiction in those matters being given to the County Courts; that they had not the proper machinery to secure the due performance of the duties of official assignee; and that the examination of the accounts of insolvents by those Courts had not been satisfactory. The City of London Committee appointed to inquire into that subject, stated that they were not prepared to give any opinion as to the competency of the County Court Judges to administer the bankruptcy law. It could not, therefore, be said that the mercantile classes were unanimous in favour of transferring that jurisdiction to the County Court Judges. The comparison drawn between the Scotch Sheriffs Courts and the County Courts was defective; they did not at all resemble each other. He must persist in dividing the Committee.

Sir FITZROY KELLY suggested that the clause should be postponed, till some of the following clauses, having reference to the same subject, should have been considered.

Mr. MELLOR also approved the postponement.

The ATTORNEY GENERAL said, he had no objection to postpone the clause, if such was the wish of the Committee, till the bringing up of the Report.

The CHAIRMAN said, that could not be done, as an Amendment had been made in the clause.

The ATTORNEY GENERAL said, the same thing could be effected in another way, namely, by negativing the clause now, on the understanding that he should bring it up in another form on the Report.

Mr. BOUVERIE said, he should take the sense of the Committee on that portion of the clause to which he had referred.

The ATTORNEY GENERAL said, that in that case he should defend the clause, on the ground that it would greatly facilitate the attainment of justice. No one ventured to assert that the present state of the bankruptcy law was satisfactory. He did not charge this to the administration of the law, as far as the Court had powers; but the defects of the law amounted to an absolute denial of justice. To the bankrupt it was ruinous, to the creditor iniquitous. But what remedy could be applied? He approved the favourite modern principle—that of reverting to the old Saxon system of a provincial and local administration of justice. The County Courts were ambulatory. They could not have a better arrangement than that by which a Judge was kept itinerating in a small district, and compelled to act there according to the exigency of business. If they preserved the present system, they must continue all the subjects of complaint now made against the existing bankruptcy law. It was not the London administration so much as the provincial, of which complaint was made. What could there be better for the purpose than the County Courts? The Judges of those Courts appointed during the last two or three years, were, he could undertake to say, gentlemen equal to the discharge of any amount of judicial duty; and they had, besides, at their command an admirable local organization for administering the bankrupt law. He entirely deprecated this question being argued from a mere financial point of view. The average duties of the County Court Judges did not extend beyond fifteen days a month, and nearly half their time would be left vacant for the performance of the functions assigned to them by this Bill. The Committee must, he believed, accept the alternative of adopting the present proposal, or continuing the existing system, to which the greatest possible objection was felt by the mercantile community.

Mr. HENLEY said, the hon. and learned Gentleman himself proposed to continue the existing system until the present district Commissioners should die off. A provision was made in this Bill by means of which the Lord Chancellor would have power to order the district Commissioners to go about to such places as he might think proper, and that would cure a complaint now very general in the country; persons who have business to transact in

those Courts would have a Court at their own doors instead of having to travel a considerable distance to go to those Courts. But as to the statement of the hon. and learned Gentleman that the County Court Judges had so much spare time on their hands at present, he feared that if they were to leave their own particular Courts to attend to the business of those district Courts, and their own Courts were handed over to some inferior officer, the County Courts would not long continue to give such satisfaction to the public as they now gave. He was disposed to support the Amendment.

MR. CLIVE reminded the House that they had had a trial of migratory Commissioners in the case of the Insolvency Courts, and that the result was far from being satisfactory. It seemed to him unnecessary to appoint Commissioners to bring justice to every man's door when they had those who could do so ready at hand in the persons of the County Court Judges. He would advise the hon. Member for Kilmarnock (Mr. Bouverie) not to put too much faith in law societies; they did not always desire cheap law, and generally recommended centralization.

MR. VANCE said, that so far from its being an advantage as was said, for the County Court Judges to go circuit, the creditors would very much prefer cases being settled in the county town.

THE LORD ADVOCATE said, that four years ago the sheriffs in Scotland obtained jurisdiction in bankruptcy, and the success of the experiment had been complete. There seemed to be an idea abroad that there was some mystery in matters of bankruptcy which ordinary Judges could not understand; but this was a mistake. Any Judge who was cognizant with the ordinary business of a Court of Law was able to discharge the duties of a Court of Bankruptcy. He might state that in Scotland the cost of proceedings in bankruptcy amounted to 11 per cent, while in England it was 30 per cent.

MR. MALINS said, that there was a general desire that further time should be given for the consideration of the matter, and he therefore moved that the Chairman should report progress.

MR. EDWIN JAMES said, that no more contentious cases were ever brought before a tribunal than cases of bankruptcy. He trusted that the Attorney General would press the clause to a division.

THE ATTORNEY GENERAL appealed to the hon. and learned Gentleman not to press his proposition.

MR. MALINS said, he had no wish to impede the progress of the Bill, and therefore he would not persist in his Motion.

MR. E. P. BOUVERIE said, he could not, as alleged by the Attorney General, be accused of having unreasonably opposed the progress of this Bill. But the fact was, the hon. and learned Gentleman seemed desirous of having so much power in that House that he would not brook any opposition to his proposition. He (Mr. Bouverie) would protest against any system of browbeating independent Members into holding the same opinions as the hon. and learned Attorney General.

Clause *agreed to.*

MR. MALINS then moved that the Chairman do report progress.

The House resumed; Committee report progress; to sit again on *Friday.*

EXCISE AND ASSESSED TAXES ACTS.

COMMITTEE.

Order for Committee read,

(House in Committee).

Motion made, and Question proposed,—

"That in lieu of the Duties now payable on Game Certificates in Great Britain and Ireland respectively, there shall be charged the following Duties of Excise:—

For a Licence to be taken out by every person who shall use any dog, gun, net, or other engine for the purpose of taking or killing any game whatever, or any woodcock, snipe, quail, or landrail, or any conies, or any deer, or shall take or kill by any means whatever, or shall assist in any manner in the taking or killing, by any means whatever, of any game, or any woodcock, snipe, quail, or landrail, or any coney, or any deer:—

	£	s.	d.
If such Licence shall be taken out after the 5th day of April and before the 1st day of November,			
To expire on the 5th day of April in the following year	3	0	0
To expire on the 31st day of October in the same year in which the Licence shall be taken out	2	0	0
If such Licence shall be taken out on or after the 1st day of November,			
To expire on the 5th day of April following	2	0	0

MR. BRIGHT pointed out, that by a word in one of the Resolutions, a tax would be imposed on the shooting of rabbits, which was quite a new impost.

MR. LAING said, that he would postpone the Bill.

MR. KINNAIRD thought it of great im-

portance that the query of the hon. Member for Birmingham should be replied to.

MR. LAING said, that the Resolution was not intended to have any such effect.

The House resumed ; Committee report progress ; to sit again on *Thursday*.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, May 22, 1860.

MINUTES.] PUBLIC BILLS.—1ª Sale of Gas Act Amendment.
2ª Weights and Measures ; Adulteration of Food or Drink ; Consolidated Fund (£9,500,000).
3ª Bankrupt Law (Scotland) Amendment.

ADULTERATION OF FOOD OR DRINK BILL.—SECOND READING.

Order of the Day for the Second Reading read.

LORD REDESDALE, in moving the second reading of the Bill, said its object was to prevent the sale of a vast deal of rubbish that was now sold as food for the people. The means by which it was proposed to effect this object was by making every person who shall sell any article of food or drink with which any ingredient injurious to health has, to his knowledge been mixed, or who shall sell with a warrant of its purity any article which he knows to be adulterated, liable to summary conviction before two justices of peace, who were authorised to inflict a penalty not less than *5s.* or exceeding *£5*, and costs. The local authorities were authorized to appoint one or more "analysts," to whom the purchaser or the magistrates might submit the suspected articles for examination, and whose certificate was to be conclusive. The Bill proposed to give a right of appeal to Quarter Sessions—but this proposition he intended to extend and to make the appeal lie to the Court of Queen's Bench for patented articles in certain cases. For the second offence the magistrates were authorized, besides inflicting the recited penalties, to publish the name, place, abode, and offence of the offender in the newspapers or otherwise. In respect of the general scope and intent of the Bill, he would remind their Lordships that it was neccessary to risk a little inconvenience if they were to effect any good at all by legislation. There was such a disposition on the part of traders to sell goods which were not what they purported to be, that unless the Legislature interfered effectually he was afraid the sale of adulterated and unwholesome goods would continue throughout the kingdom to the great injury of the community.

Moved, That the Bill be now read 2ª.

LORD PORTMAN said, the Bill was not likely to effect much towards effecting the object which the promoters desired, and was certain to cause intense vexation and annoyance in every part of the country. He believed, however, the Bill would prove perfectly inoperative owing to the difficulties which would beset any attempt to carry its provisions into execution. For instance, it would require that the seller must know the article he sold to be adulterated. How were they to prove that ? Then it was proposed, in the case of any person selling adulterated articles and convicted thereof, he should be liable to have his name, offence, and penalty published in one or more newspapers, which he conceived to be altogether a new principle in legislation. Then they were to be dependent on the proof of adulteration on the Report of analysts appointed for the purpose ; but as there was a great difference of opinion between analysts as to what was pure and what was adulterated, it would be very difficult for either the magistrates or the justices of the peace in quarter sessions to decide, with such conflicting testimony, as to who was right or who was wrong. This was no new subject, for he had heard it discussed ever since he recollected anything ; and about fifty years ago a work bearing on the matter was published entitled *Death in the Pot*. However, if the returns of the Registrar General were examined, great improvement would be found to have taken place in the health of the general population ; and, consequently, it must not be assumed that there was such an enormous increase in the adulteration of articles of food as to injure the health of the public.

THE EARL OF HARDWICKE observed that it had been shown by evidence that so extensive and systematic was the adulteration of all articles of consumption that people hardly knew what they ate or drank. It would be very desirable if any enactment could be passed that would give protection to the poor man ; but his own opinion was that it would be difficult to do anything in the matter with effect. At the same time it was well worth consideration, whether some mode might not be discovered of putting a check on the habit of falsifying articles of consumption.

THE MARQUESS OF WESTMEATH said, that when the Act of the Irish Parliament against the adulteration of bread expired after the Union, powdered bone became no inconsiderable ingredient in the manufacture of that important article of food. The result was that a new Act had to be passed by the Imperial Parliament. It was so important that a stop should be put to practices so injurious to the public health that he thought it would be a great misfortune if any discouragement were thrown upon this attempt at legislation.

LORD TALBOT DE MALAHIDE strongly supported the Bill. The agricultural societies had done a great public service by analysing artificial manures, but they had had to encounter great difficulties in consequence of the litigation to which they were exposed if they published the names of the fraudulent vendors. They had found it necessary to form guarantee funds in order to bear their chemists harmless; and he regarded the provision for the publication of any names of those persons who might be convicted under the Bill as one of its most valuable features.

LORD TEYNHAM thought a clause should be inserted enabling a retail dealer to obtain an analysis for a much smaller sum than was provided for by the Bill. He also thought a provision should be made that no person should be subject to the charge of adulteration who sold articles in packets or bottles which remained, when he sold them, in the same condition as they were in when they came into his possession. The *onus* in such cases ought to attach entirely to the manufacturer, or, at all events, the wholesale dealer.

LORD WENSLEYDALE suggested that the Bill should be referred to a Select Committee.

LORD REDESDALE accepted the suggestion, and said that if the House would agree to the second reading, he would on Thursday move that the Bill be referred to a Select Committee. The manufacturers of an adulterated article must, of course, always be cognizant of the adulteration; not so, necessarily, the retail dealer. If, however, the retail dealer warranted the article he sold as being pure, he ought to be liable for the adulteration, if there were any, in regard to the article.

After a few words from the LORD CHANCELLOR,

Motion *agreed to.*

Bill read 2ª accordingly, and *referred to* a Select Committee. The Committee to be named on *Thursday* next; when the following Lords were named of the Committee:—

E. Shaftesbury	L. Redesdale
E. Hardwicke	L. Somerhill (*M. Clanricarde*)
E. Powis	L. Portman
L. Bp. St. David's	L. Wensleydale
L. Camoys	L. Talbot de Malahide
L. Teynham	

ST. GEORGE'S-IN-THE-EAST.
RESOLUTION MOVED.

VISCOUNT DUNGANNON, in rising to call Attention to the continued Disturbances taking place on each succeeding Sunday in the Church of St. Georges-in-the-East, and to move a Resolution that sufficient Power and Energy has not been displayed in putting down the same and bringing its Perpetrators to Punishment said, he believed he should meet with the universal concurrence of their Lordships when he asserted that the proceedings which had taken place Sunday after Sunday at St. George's-in-the-East were not only an abomination in themselves, but a scandal to religion, and a disgrace to a civilized community. Every succeeding Monday they saw in the newspapers accounts that were worse than those that preceded them, as having taken place every Sunday morning and evening preceding, and which, it appeared, the police had not the power to suppress or put down. He need not say that he did not stand before their Lordships as the advocate or champion either of the Rev. Bryan King or of his proceedings. That gentleman's conduct had been, to use the mildest terms, most culpably injudicious. It might be that he had acted in strict conformity to the rubric; but he ought to remember that many things which were sanctioned by the rubrics of the Church had become obsolete, and were opposed to the feelings of the public. It was, he thought, much to be regretted that the Ordinary had not power in all cases of differences arising between an incumbent and his parishioners, either as to the mode of celebrating divine worship or as to the decoration of the church, of pronouncing a decision which should be binding upon both parties. The conduct of the Rev. Bryan King, however, furnished no justification for the disgraceful riots which took place Sunday after Sunday, and which were occasioned not by the regular congregation, who he was informed had all left the church, but by a party of disorderly and reckless persons

whose only object was to indulge in a scandalous pastime. Why, then, were not these riots put down? They would not for a moment be tolerated in any West-end church, in any Dissenting chapel, or even in a theatre, and why should they be allowed to continue in the church of St. George's-in-the-East? Had the Secretary of State omitted to direct the chief of the metropolitan police to use every effort to put down these disturbances? or was it the fact the chief of the police, or some members of that body, sympathized with the opponents of the Rev. Bryan King, and were therefore unwilling to exert themselves as they ought to do to put a stop to these rights? An impression appeared to prevail among the police authorities that although they would be justified in taking the strongest steps to check any disorder which might take place outside the walls of the church, they were differently circumstanced as regarded what occurred within the building. Nothing could be more erroneous, and he was at a loss to understand how such an impression could have been created. If it continued to be acted upon a precedent of the most dangerous and fearful kind would be established, and a rabble might assume they had a privileged right to disturb the service in our churches. A representation ought to be made to the Ordinary upon the subject; and if he had not power to pronounce a decision in the matter a measure ought to be introduced into Parliament to confer such authority upon him. Were the churchwardens doing what they ought, or were they not acting under the influence of prejudices entertained against the incumbent and his proceedings, forgetting their immediate duty, which was the maintenance of order in the church? No right-minded person could come to any conclusion other than that these disturbances had risen to such a height that it was absolutely necessary that there should be some decided interference on the part of Her Majesty's Government. If proper directions had not been given to the chief of the police they ought to be immediately communicated to him; because he was convinced that if ten or a dozen determined policemen did their duty these scenes would soon be put down. Several persons had been taken before the magistrate of the Thames Police Office charged with breaking the peace during the performance of Divine service. One of those individuals, who was stated to occupy a respectable position in society, told the magistrate that if he was sent to prison it would damage his character and ruin him in his business. The magistrate, acting doubtless from the humanest of motives, inflicted on the accused a moderate fine, instead of committing him to gaol for fourteen days. If the respectability of a man's station in life was to have any influence at all in such matters, surely it would justify the infliction of a severer sentence upon him when he was proved to have openly infringed the law. If a decided course had been taken in that case by the magistrate of the Thames Police Office, in all human probability an example of such a description would have put an end to these disorders. Far better that the church should be closed for some time to come, than it should be thus desecrated Sunday after Sunday. Surely the Government must see the necessity of remedying the evil, and must be able to remedy it. The fault could not but lie somewhere; whether with the chief of the police, or with the members of his force who were placed upon duty at St. George's-in-the-East on Sunday, he could not presume to determine. Hitherto the police had been little more than ciphers in this matter. These riots, he understood, were not occasioned by the inhabitants of the parish, or by any members of Mr. Bryan King's regular congregation, but by a parcel of mischievous boys and girls, aided by a few miscreants, who went to the church for no other purpose than to have what they thought a good Sunday's "lark." If such a disturbance of public worship was not forcibly checked, a dangerous precedent would be set, which might be imitated, they knew not how soon, in other parts of the country. He trusted, therefore, that Her Majesty's Government would at once interpose to repress this flagrant scandal, and would give such instructions to the Chief Commissioner of Police as would not again be disobeyed. The noble Lord concluded by moving a Resolution—

"That sufficient Power and Energy have not been displayed in putting down the continued Disturbances which have taken place on each succeeding Sunday in the Church of St. George's-in-the-East, and in bringing the Perpetrators of such outrages to Punishment."

EARL GRANVILLE was understood to say, he was not at all surprised that the noble Lord should have called attention to the subject, but was very much surprised to hear him charging the police with neglect

Viscount Dungannon

of duty, and saying that it would be very easy for them to suppress these disturbances. The task was by no means so easy as the noble Lord supposed, and no facts had been adduced to show that the police had failed to discharge their duty as far as that was possible. If one or two individuals disturbed a whole congregation, the police would have no difficulty in taking them into custody and bringing them to punishment. But where a considerable portion of the assembly disapproved the mode in which the public worship was conducted, and confined the expression of that disapproval within certain limits, it was not so easy to obtain a conviction against them. The insinuation that the police evince a sympathy with the rioters was entirely unwarranted. The noble Lord said the rioters were unconnected with the parish; but he was informed that that was a mistake, and that a great portion of them did belong to the parish. There was a strong desire on the part of the Home Office that these disturbances should be put down, and instructions had been given to the police to give their best attention to the subject. A small body of police were placed behind the churchwardens to execute whatever orders they might give; while others were stationed in different parts of the church; and the police had orders to take before the magistrates any person guilty of committing any distinct act of disturbance. They were also ordered to take into custody all those against whom any person was found to bring a direct charge. If, however, nobody was found to make a charge, what were the police to do? The noble Lord stated that several individuals had been brought before the magistrates. So they had, and with what result? Why, in every case but one they had been let go.

LORD WENSLEYDALE said, he thought the statute of the 2nd of Queen Mary would be found to apply in the present case. That statute enacted that if any person in any way molested any preacher he might be taken into custody—not by the churchwarden or police officer—but by any one who was present at the proceedings, and brought before a magistrate, and the magistrate might imprison him for three months. He thought the magistrates had acted with too great leniency in the cases brought before them. If the Secretary of State looked to the words of the statute he would find it was clear that it applied to any kind of insult or obstruction; and he believed that if one or two cases were taken before the magistrates under the statute of Queen Mary these disturbances would soon be disposed of.

EARL GRANVILLE was understood to say that some practical difficulty had been experienced in enforcing the statute referred to by the noble and learned Lord.

THE EARL OF WICKLOW expressed his regret that proper steps had not been taken to put down these disturbances. He thought that the outrages in this church were of such a gross and infamous nature that it was utterly impossible that they could continue in any civilized country on earth, if the authorities had done their duty; and that they had not done their duty in this case was quite clear. He had been told by persons who were there, that while these outrages were going on in the most violent manner, the police, like so many automata, were standing by as mere spectators, and without taking the slightest notice. It also appeared from the proceedings in the courts of justice, that in every case where an offender had been brought before the magistrate he had been let off without any fine, or with a merely nominal punishment; whereas those gentlemen who, though not at the solicitation or desire of Mr. Bryan King, had attempted to interfere for his protection, and as it appeared they were authorized to do by the Act the noble and learned Lord had quoted, to put out of the Church the persons whom they saw transgressing, were heavily fined. He agreed that such things could not take place in any other church, or in a Dissenting chapel; and it was quite evident, therefore, that there was a prejudice against this unfortunate gentleman. He begged to say that he had no knowledge of Mr. Bryan King, neither did he approve of the course which that gentleman had pursued. Though he had not probably transgressed the law in any respect, yet he admitted that with a congregation like that in question it was exceedingly injudicious for the clergyman to adopt such practices as had been adopted. He held in his hand a letter which Mr. Bryan King had circulated among the Members of that and the other House; it was addressed to the Bishop of the diocese, and he had heard that it had been contradicted. If this letter were true it was most extraordinary, and he could not think that a clergyman would publish such a letter to his diocesan if it were not founded in fact. He said in this letter, in the first place,

that he got the living from the late Bishop of London at the time when the Bishop had published a letter to his clergy requiring them to adopt uniformity of practice in their churches. He continued, that in conformity with the Bishop's order he put certain practices in force, and he did not feel justified in realtering the system because a portion of his parishioners disapproved of the change. Mr. Bryan King also stated that all these disturbances arose in consequence of the appointment of a person as lecturer, licensed by the present Bishop of the diocese. This was the Rev. Hugh Allen, who was an intimate friend of Mr. Spurgeon, and who had assisted Mr. Spurgeon in the establishment of his tabernacle. With regard to this Mr. Allen, there were alleged to be some other circumstances, which might have exposed Mr. King to an action for libel if they had been stated in his printed letter, but which he (the Earl of Wicklow), speaking in their Lordships' House, could mention. It was alleged that Mr. Allen had been obliged to leave another church in consequence of the intention of the authorities of that church to bring him before a court of justice for his improper conduct. He was then appointed to a neighbouring church; but the rector of that church protested and the Bishop refused to give him a licence. He was then elected by the vestry of St. George's, and the Bishop gave him a licence. Mr. Bryan King protested against his appointment, but ineffectually, and he then informed the Bishop of all the circumstances that had led to this gentleman's retirement from his former position; that he was a notorious drunkard and totally unfit for his position; yet notwithstanding this the Bishop gave him a licence. Having the Bishop's licence he took possession of the pulpit and was followed by a large crowd shouting "Bravo, Allen!" The statement might not be true, but Mr. Bryan King stated it to be the fact, and he said that all the disturbances had been in consequence of the conduct of Mr. Allen. He (the Earl of Wicklow) was glad to give the right rev. Prelate an opportunity of contradicting this statement if it were not true. If it were true, then the Rev. Bryan King was justified in his proceedings; and if not true he was a libeller and not fit to retain his present position. All that he (the Earl of Wicklow) required was that justice should be done.

THE BISHOP OF LONDON said, he was surprised at the course taken by the noble Earl. He had read, with due attention, the letter to which the noble Earl directed his notice. The noble Earl brought forward a statement that a clergyman who, in a neighbouring diocese, had lately been appointed to a most important living, and who on that occasion of course produced testimonials signed by three beneficed clergymen, upon which he was instituted by the Bishop of the diocese to the charge of that living, was a notorious drunkard. He (the Bishop of London) did not find such a statement in the letter of Mr. King, though he now heard it in the speech of the noble Earl. He felt entitled to request the noble Earl to read the exact words of Mr. King's letter, so that if there was a libel in the statement their Lordships might know whether Mr. King was the libeller, or the noble Earl himself.

THE EARL OF WICKLOW said, the reason assigned by Mr. King was not in the letter; and why? Because Mr. King believed he could not publish it without being guilty of libel. But did the right rev. Prelate mean to tell him that Mr. King did not inform him of that reason when he requested him to withhold the licence from Mr. Allen? If the right rev. Prelate would say that Mr. King never informed him of those circumstances, he (the Earl of Wicklow) would at once admit that he had been wrong in going so far into the case. But Mr. King's statement was that Mr. Allen had been guilty of such faults that he had been obliged to abandon one church.

THE BISHOP OF LONDON: I shall be obliged if the noble Earl will read the statement—the letter.

EARL GRANVILLE:—I do not know whether your Lordships will agree with me, but I really think it is not desirable that this conversation should proceed any further. I must say it is not usual to impugn the character of a clergyman without any notice whatever. Besides, it has really no connection with the case before your Lordships. Whether there be grounds for censure of the authorities or not, cannot depend on the character or conduct of some other clergyman.

THE EARL OF WICKLOW said, he had been requested by the right rev. Prelate to read the letter; and if the House would allow him to read—

EARL GRANVILLE again appealed to the House as to whether it was desirable that this should go on or not. As far as he understood the matter he thought that

it was a disorderly proceeding and ought not to be allowed to continue.

LORD CHELMSFORD thought it most desirable that the discussion, which was of an extremely painful description, and had nothing to do with the matter before their Lordships, should cease. He should now wish to make a few observations with respect to the Motion which was under the consideration of the House. His noble Friend near him was, he thought, perfectly justified in making that Motion inasmuch as—

THE DUKE OF NEWCASTLE:—The noble and learned Lord rose to a point of order, and I think he will agree with me that it is undesirable that he should—until that point is disposed of, and until some explanation is offered in reply to the charge which has been brought against a particular individual—proceed to discuss the question which has been brought under our notice by the noble Viscount opposite. It would be unfair to allow such a charge to go forth to the public without affording the right rev. Prelate near me the opportunity of showing its injustice as far as possible.

LORD CHELMSFORD said, he quite concurred in the propriety of the observations made by the noble Duke. He might add that he was proceeding to address the House with reference to the Resolution of his noble Friend under the impression that their Lordships assented to the expediency of adopting the course which the noble Earl opposite (Earl Granville) had suggested.

THE BISHOP OF LONDON proceeded: Nothing could be more painful to him than such a discussion as this; but the whole subject was of such a kind that it must be painful. He could quite understand that the noble Earl did not intend himself to bring any charge against this clergyman, but he seemed to have viewed the words in his hand through some extraordinary medium that made them appear to convey a meaning they were not intended to convey. He (the Bishop of London) believed that Mr. Bryan King was totally incapable of saying what the noble Earl had imputed to him. If the House would allow him, he would now state what the noble Earl evidently knew nothing about, namely, the legal steps by which the Rev. Hugh Allen was appointed to the lectureship of St. George's-in-the-East. That was a matter which had not any great connection with the subject at present before their Lordships; but as the disturbances began about the time that gentleman was appointed, it was well for the public to know in what way he was appointed. Their Lordships were perhaps aware that, as a general rule, no lecturer could be appointed in any parish church without the consent of the Incumbent, and it was the duty of the Bishop not to license such lecturer without such consent. But there was hardly a parish in London that had not its own local act. The peculiar circumstances of this parish arose from the Act of Parliament relating to the parish. As the noble and learned Lord on the woolsack, who had sat as Judge in this case, was aware, the Act of Parliament which regulated the affairs of St. George's-in-the-East made it imperative on the Bishop, without any consent of the rector, to appoint the person who should be nominated by the vestry to fill the office of lecturer. If, therefore, he (the Bishop of London) had refused to institute to the office of lecturer the person who was nominated by the vestry, he would have been liable to be called to account before a court of law. Of course, if an improper person were nominated, it would be his duty, at whatever peril, to resist the appointment of such a person. The gentleman who had been, as he thought, so unfortunately named in this discussion, was nominated by the vestry. He (the Bishop of London) thereupon received from Mr. King a letter, which informed him that in his opinion that gentleman was an unfit person to be appointed to this lectureship, because he believed he had been to a tea-party at which Mr. Spurgeon was present, and also because it was supposed that there were certain reflections as to his moral character which required investigation. Immediately on the receipt of this communication, he (the Bishop of London) informed the gentleman nominated of the charges brought against him so far as they were of a serious character, and told him that he would require most satisfactory evidence that they were without foundation. On the next day that evidence was produced in the usual shape of testimonials signed by three beneficed clergymen of the diocese, testifying that they had opportunities of observing his conduct for the last three years, and that to their certain knowledge, he was a pious and good man, and a perfectly fit person to be appointed to this lectureship. Then what other course was left to him (the Bishop of London) than that which he pursued? This gentleman, whatever faults might be attri-

buted to him, was a person who had a wonderful faculty of attracting large crowds of persons to hear his preaching. Of all the churches in the East end of London, his own parish church—the church of which at that time he was incumbent—was the one that was most filled, and it was perfectly true that the deserted parish church of St. George's became immediately filled when he was appointed. He (the Bishop of London) did not know whether that was attributed to this clergyman as any blame; on the contrary, he believed that the persons who went to hear him as lecturer went simply from their admiration of him as a preacher and because they expected now to hear what they thought they had not heard for a long time, such preaching as was likely to do them good. He believed, therefore, that the thousand persons who frequented the church at that afternoon lecture went there with no intention of creating any disturbance, but they went as they had been in the habit of frequenting every church where this gentleman preached,—it might be from mistaken ideas of the truth, or it might not, for he (the Bishop of London) would not enter into that—only because he was what they felt to be a preacher who they thought did them good. It was quite true that on the occasion of the lecturer taking possession of the office to which he had been legally appointed, an attempt was made — and he (the Bishop of London) did not blame the inexperienced curate who performed that act for the absent rector — an attempt was made to put in a protest, which caused some little disturbance. But that question had been brought to a proper and legal conclusion. The noble and learned Lord (Lord Campbell) then Chief Justice of the Queen's Bench, decided the case, and settled that the lecturer was properly appointed, and settled by implication that he (the Bishop of London) had no alternative but to appoint him, and that he was entitled to the use of the church on certain occasions. That was all that he (the Bishop of London) had personally to do with the appointment of Mr. Allen. If the most rev. Prelate (the Archbishop of Canterbury) were now present in the House, he would have spoken of the character Mr. Allen bore when in his diocese. The most rev. Prelate had spoken to him (the Bishop of London) of Mr. Allen, as believing him to be a zealous and good clergyman, exercising a wide influence over the poor, when in the diocese of Chester.

The Bishop of London

He believed there were others of his right rev. Brethren who would say the same. But really all this had nothing to do with the question now before the House, and he regretted that it had been brought forward in a way which he was sure Mr. King, the writer of that letter, would regret. He might say in that House what he (the Bishop of London) had often said in private — that Mr. Bryan King was a person who would never allow himself, if he possibly could avoid it, to transgress the rules of propriety in speaking of a brother clergyman. As for the miserable state of things in St. George's-in-the-East, he (the Bishop of London) regretted it as much, or more, than any man, for he had more cause to regret it. The only point on which he was now particularly concerned to give any explanation was that which the noble Viscount (Viscount Dungannon) had raised, as to whether the churchwardens had done their duty. He had continually charged them, by word and by letter, to see that they did it; and he had taken steps to find them such assistance, by means of sidesmen, as the law enabled him to provide them with. He had even called upon the clergy belonging to the parish to meet the churchwardens and suggest some course by which the churchwardens might execute their duty. If any complaint against the churchwardens were made, he would be ready either to carry it into the proper Court, or to do what in him lay to induce them to do their duty; but although much abuse had been bandied about on every side, and everything that was done by anybody was wrong in the estimation of everybody else, yet no charge of which he could take cognizance had been brought before him. He believed that this was simply one of those miserable cases to be found in all parts of society, in which, if men would stand on their legal rights, there was no amount of disturbance they might not cause. In the domestic relations, for instance, suppose two persons determined to make themselves as disagreeable as they could, each to the other, without infringing the law, what a state of things would result from it in the family! He believed it was the same thing with those most sacred relations between the pastor and his flock; it was possible for a pastor to make himself very disagreeable to his flock without violating the law, and for the flock to make themselves very disagreeable to the pastor; and it was very difficult for those who wished to set them right to

find by what means they could put an end to that disagreeable state of things. He trusted the expression of their Lordships' opinion, that both parties in this miserable contest were most shamefully to blame, and that there was no sympathy for either the one or the other, would have some effect on those persons who were, he believed, both the one and the other, in the wrong. He had said, and he believed, that if the matter was placed in his hands, it could be arranged; but it must be an unconditional surrender to the Ordinary. He must be called in to settle these disturbances; and he hoped he was not thinking too much of himself or his office, when he said he had full confidence that there was so much good feeling among Englishmen that, whenever they had no doubt as to where the authority lay, or as to how far those who exercised the authority were entitled to exercise it, they would be quite ready to give way to it. If the rector of that parish would do what he ought to have done months ago, and say, "I am unable to manage this parish; I beg the Bishop of the diocese to manage it for me," all the mischief might be put an end to.

THE LORD CHANCELLOR said, the case of "Allen *v.* King" came before the Court of Queen's Bench when he had the honour of filling the office of Lord Chief Justice. It was contended on the part of the Rev. Bryan King that the Rev. Mr. Allen had no legal right to officiate as lecturer in the church of St. George's-in-the-East without Mr. King's consent. The Court decided that Mr. Bryan King was wrong and Mr. Allen right; but they earnestly recommended the parties to try and come to some amicable arrangement. With regard to his presenting Mr. Allen to the living of St. George's, Southwark, he (the Lord Chancellor) wished to state the circumstances under which he had made that appointment. He had been informed that it was of importance that some active and zealous clergyman should be appointed to preside over so populous a parish. He was wholly unacquainted with the rev. Mr. Allen, but that gentleman was recommended to him, along with a great many others, as being a most zealous pastor and a most upright and pious man. He received a great variety of testimonials of a most unexceptionable character stating his fitness for such a charge; but, not contented with these, he applied to the Bishop of London—because he was afraid that Mr. Allen might have incurred some blame in connection with the controversies at St. George's-in-the-East, for the purpose of ascertaining whether he had done anything in those transactions which affected his character, and rendered him an unfit person to be appointed rector of the parish. The right rev. Prelate in answer testified to him that Mr. Allen's conduct, so far as it had come under his knowledge, had been unexceptionable, and that he was a proper person to receive the appointment. Upon that he (the Lord Chancellor) presented him to the living, and up to that hour he believed he had discharged his duties in a manner calculated to give great satisfaction. With regard to what had fallen from the noble Viscount (Viscount Dungannon), he would ask him on whom did he propose the censure implied in his Resolution should fall in regard to the continuance of the riots at St. George's-in-the-East? It certainly could not fall upon the Bishop of London, nor upon the Home Secretary; and the noble Viscount had not shown any other individual whose duty it was to suppress these outrages who was at all to blame. He hoped, however, that the expression of feeling in deploring these transactions, which the noble Viscount had called forth from all quarters of the House, would satisfy him, and induce him to withdraw his Motion.

THE BISHOP OF CASHEL rose to bear his strong testimony to the character of the Rev. Mr. Allen, and to his zeal and efficiency as a minister of the Gospel. He had never seen so large and attentive a congregation as that which he witnessed on one occasion at St. Jude's, Whitechapel, where that rev. gentleman officiated. The right rev. Prelate was proceeding to complain of the charges which were brought against Mr. Allen, when

VISCOUNT DUNGANNON said, that he had brought no charge whatever against Mr. Allen.

EARL GRANVILLE again interposed and expressed a hope that after the statements which had been made by two right rev. Prelates and by the Lord Chancellor, in answer to the charge made against Mr. Allen, their Lordships would not enter further into that collateral subject, but would confine their attention to the Motion which was immediately before them.

THE EARL OF WICKLOW rose and denied that he wished to throw any imputation upon the gentleman whose character had been so highly spoken to by two right rev.

Prelates. He knew nothing of him whatever; he only quoted the words of a pamphlet which had been circulated throughout the whole country, and in which much stronger words than he had used appeared. And he had asked the Bishop of London whether Mr. Bryan King did not inform him of those particular circumstances. He would also now ask the right rev. Prelate whether he did or did not try to ascertain what were the reasons why the rev. gentleman was obliged to relinquish the living of St. Luke's, Old Street?

THE MARQUESS OF CLANRICARDE rose to order. His noble Friend might offer an explanation of what he had himself stated, but he had no right to reply upon that occasion to the address of the right rev. Prelate.

EARL STANHOPE said, he regretted that the name of Mr. Allen should have been unnecessarily introduced into this discussion. It appeared to him that the character of that rev. gentleman had been completely vindicated by the testimony offered in its favour by the two right rev. Prelates and by the Lord Chancellor. His object, however, in rising, was to advert in a very few words to the unfortunate transactions which had taken place in the parish of St. George's-in-the-East. He entirely agreed in the opinion which had been expressed by several of their Lordships, that both the parties in that dispute were to blame. The outrages committed in the church were utterly indefensible, and such as all must join in condemning. But, on the other hand, he thought it was much to be regretted that Mr. Bryan King, acting, no doubt, from the most conscientious motives, had, by proceeding upon his extreme legal rights, excited an almost universal feeling of dissatisfaction among his parishioners. The outrages arose in a great measure from the employment of ritual observances not essential to Divine worship. Mr. King stated in his letter that the services in his church did not differ in any respect from those observed in the cathedrals. But his church was not a cathedral church, and why should he introduce into a parish church, upon his own authority, a cathedral service? He (Earl Stanhope) was persuaded that the only way of bringing those unhappy differences to a satisfactory settlement would be to leave them to the decision of the Bishop of the diocese. The noble Viscount who brought forward the Motion said he wished to see the Ordinary empowered, by a new Act of Parliament, to adopt such a course. But why should it not be taken in consequence of an agreement between the parties? He felt persuaded that was the only mode of removing discontent and restoring peace to the parish. Unwilling as the rev. gentleman had hitherto shown himself to yield to any representations, and resolute to maintain his own views at the cost of peace to the parish, he ought merely now at length to feel the necessity and the duty to submit himself to his Bishop's mediation. With regard to the Motion before the House, he would venture respectfully to suggest to the noble Viscount that he should not press it, but that he should rest satisfied with the expression of opinion which had been elicited from their Lordships in the course of that discussion.

LORD CHELMSFORD said, he was sure their Lordships must have heard with satisfaction the address of the right rev. Prelate the Bishop of the diocese, and must have concurred in every word he said. But the question before their Lordships was not as to the origin of these unhappy and scandalous disputes, nor were their Lordships called upon to adjust the proportion of blame which ought to attach to the different parties concerned. His noble Friend called upon the House to affirm that sufficient power and energy had not been displayed in putting down these disturbances. Now, he (Lord Chelmsford) might have an impression that if a different course had been pursued the result would have been more effectual; but their Lordships had no evidence of any remissness on the part of the authorities. He could not, without more information than was at present before the House, join in the opinion that the magistrates had not properly discharged their duties, nor could he believe that the police had been remiss or negligent. There was great difficulty in obtaining evidence against the rioters, and it was the want of evidence and the absence of sufficient proof of identity which had occasioned the failure of the charges. Perhaps it would have been better if, instead of sending policemen, detectives in plain clothes had been employed to mix with the congregation. But, on the whole, he could not concur in the opinion that sufficient power and energy had not been displayed by the authorities; and even supposing that their Lordships were convinced of the truth of such a charge, was it desirable that they should adopt a Resolution embodying it? Was it desirable to adopt a Resolution which

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was perfectly futile and useless when his noble Friend's object had been entirely answered in the discussion which had been elicited? Under these circumstances, he must join in requesting the noble Viscount to withdraw his Motion.

VISCOUNT DUNGANNON replied. He hoped that considerable benefit would arise from that discussion. He knew nothing of Mr. Allen, and had not the most distant idea of mixing up the rev. Gentleman's name in it—his sole object was to call attention to what was really a scandal to religion and a disgrace to a civilized country. He believed those riots were caused, not by the inhabitants of the parish, but by people who went to the church for the express purpose of creating disorder, and were glad to avail themselves of the opportunity afforded to their propensities in St. George's-in-the-East. But if his introduction of this question to their Lordships should produce any good effect in showing the rioters that their conduct would not be overlooked in Parliament or by the Government, his purpose would be answered. In the meantime he would withdraw his Motion.

Motion (by Leave of the House) *withdrawn.*

CEYLON RAILWAY.—QUESTION.

THE EARL OF CARNARVON asked, what were the intentions of the Government with respect to the further prosecution of the Ceylon Railway? He believed that this question was first raised when the noble Lord opposite (Lord Taunton) was at the head of the Colonial Office, and that he sent out Captain Moorsom as the engigineer to survey the line, and make an estimate of the cost. Captain Moorsom estimated the line at a *minimum* expense of £800,000, but as a margin to cover all contingencies, he put the *maximum* at £1,200,000. This was in the year 1856. Since then he believed no progress had been made in the line, though a company had been formed on a contract with the local Government of Ceylon, by which the colony guaranteed 6 per cent on the *minimum* cost of £800,000, and 5 per cent on its cost above that sum, on the understanding that the additional sum would not be more than £400,000. This was the position of affairs in 1856. But since then a serious difficulty had arisen. Doubts apparently had suggested themselves of the sufficiency of the estimate, and the company which undertook the line had sent out their own engineer, Mr. Doyne, who stated that the line could not be made under £2,200,000, and even that, he said, was only an approximate estimate. Now this was a very serious question of economy; because though the revenues of the colony might very well bear a charge of 6 per cent on £800,000, and 5 per cent on £400,000, it became a very different question if they were to pay the 6 per cent on £800,000, and 5 per cent on £1,400,000, or indeed on any indefinite amount which might be required—for it must be understood that, though the agreement between the colony and the company was based on Captain Moorsom's estimate, yet there was no fixed sum stated in the contract on which the 5 per cent was to be paid. He believed that the colony had offered to reimburse the company for all the expenses to which they had been put, and to cancel the contract. On the other hand, the company had referred the question to his noble Friend at the head of the Colonial Office, and were ready to abide by his decision. What he wished to know, therefore, was, what steps his noble Friend had taken in the matter?

THE DUKE OF NEWCASTLE said, the circumstances connected with this railway had been correctly described as in an unfortunate state of embarrassment. The proposition to construct the line had been agitated at the time of his former connection with the Colonial Office in 1854; but the preliminary arrangements were made during the term of office of his successor (Lord Taunton). The noble Lord opposite had correctly detailed the steps which were taken for the survey of the line, and the estimate which was made by Captain Morsom, which amounted to £856,000. A contract was entered into between the colonial Government of Ceylon and the railway company formed to carry out this undertaking, which was based on Captain Moorsom's estimate, and on the principle of the guarantee which had been alluded to. The next step taken by the company was to send out Mr. Doyne, a civil engineer, for the purpose of superintending the works; and between the period of his departure in 1857 and the year 1859 the embarrassments arose to which their Lordships' attention had now been called. The ground was undoubtedly broken, but very little progress had been otherwise made with the works. But in June last a report was made by Mr. Doyne, estimating the cost of constructing the line, not at £856,000, but at £2,214,000. This estimate was received

at the Colonial Office at a time when he (the Duke of Newcastle) was at the head of that Department, and one of the first matters he had to deal with was the complication arising on the subject of this railway. The colonists naturally remonstrated against the increased estimate sent home by Mr. Doyne, and under these circumstances he (the Duke of Newcastle) thought it quite impossible to allow the works to proceed without some further inquiry, and most thorough and complete investigation, and he accordingly felt it necessary to call to his aid the best practical advice which he was able to obtain. Although at that time retired from professional occupations, the late Mr. Robert Stephenson, at his request, undertook to inquire into the details, with a view of arbitrating, as far as was practicable, between the parties. It was agreed that two firms of contractors, Messrs. Brassey and Co., and Messrs. Waring and Co., should be allowed to send out agents, because the tenders which they were afterwards to submit would afford material assistance in determining on the course which ought to be adopted. Mr. Doyne likewise was recalled in order that he might lay the fullest information before Mr. Stephenson. But, to the disadvantage not merely of this undertaking, but he might say of society generally, Mr. Stephenson died in the meantime. In his place Mr. Hawkshaw consented to undertake the reference, and Captain Moorsom, after some correspondence, had promised to put himself in communication with that gentleman. The contractors to whom he had alluded, Messrs. Brassey and Waring, respectively sent in tenders to Mr. Hawkshaw on the 10th instant, and as soon as he had fully considered the question he would make his report. Within the last two or three days some difficulties had arisen which would create a slight delay, but he hoped that by the close of the present month they would be in receipt of Mr. Hawkshaw's views. No contract would be binding which had not received the consent of the Government; and on the part of the Colonial Office there was every disposition to promote a settlement of this question.

Lord TAUNTON stated that the proposition for constructing this railway originated in the period of office of his predecessor, Lord John Russell, to whom strong representations had been made by the colonists as to the advantages which the carrying out of this project would confer upon Ceylon. The noble Lord referred the matter for the opinion of the Colonial Government; but before its reply could be received a change had taken place in the home Administration; by which the further control of the undertaking devolved upon himself. He gave every assistance in his power to the project, with a due regard to the interests of those whose money he was administering; and had acted throughout on the principle of consulting the Government of Ceylon, who were to find the guarantee, and who being on the spot were necessarily better acquainted with the circumstances than he could be; and at the time he went out of office the matter was in a most prosperous way. Captain Moorsom was appointed by him to make the survey in consequence of the high character as an engineer which he possessed; and he greatly regretted, and certainly had never foreseen, that any circumstances could have occurred to bring about the present unsettled condition of affairs.

House adjourned at Eight o'clock till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 22, 1860.

TAX BILLS—EXCISE DUTY ON PAPER. NOTICE OF MOTION.

Viscount PALMERSTON: Sir, I rise for the purpose of moving the Adjournment of the House at its rising until Thursday next; and I wish at the same time to give notice that, it is my intention on Thursday to move that a Committee be appointed to inspect and examine the Journals of the House of Lords in relation to any proceedings of that House on the Bill for repealing the Excise duty on paper made in the United Kingdom. I think it is desirable that that Committee should be followed up by a Committes to search for precedents. It is important that the facts with regard to what has passed should be ascertained, but Her Majesty's Government disclaim any intention of taking any step that would place the two Houses in a state of hostility. I now move that the House at its rising do adjourn till Thursday next.

COURT OF PROBATE.—QUESTION.

Sir JOHN SHELLEY said, he rose to ask the first Commissioner of Works when

proper accommodation will be provided for Her Majesty's Court of Probate, and what steps have been taken to acquire the property for which powers were given under the Act of last Session, and for the purchase of which a sum of £60,000 was granted. The present offices were in every respect inconvenient. The accommodation was not sufficient for the gentlemen whose business it was to attend at the offices; and in one place a gentleman was put into a room where any Member would be ashamed to put one of his servants. The inconvenience and insufficiency of the offices had been the subject of long correspondence with the Treasury, but the only result as yet arrived at had been that portions of adjoining houses were hired, and openings bored through the wall to connect them with the Probate Office. The consequence of this state of things was that gentlemen holding important offices, such as registrars, and receiving high salaries, found themselves on the second floor of a house, the floor below being hired by somebody else, and the floor above by a third party. One of these registrars occupied an office in the room above which lived a gentleman with a zoological taste, who, by way of amusement, kept from fifty to sixty rabbits. He would leave the House to judge what the condition of the official gentleman was who had to discharge most important business in the room below. In 1857, such was the crowded state of the offices, that an effort was made to increase the accommodation, the chief object being to enable persons who wanted to examine or prove wills to do so without the assistance of lawyers. This was, to some extent, carried out; but it frequently happened that 80 or 100 people were waiting who could not get up to the table when the examinations had to be made. In addition to this, there was not room for the papers and wills deposited, and the result was that many of them were dispersed all over the country, while a loss of fees to the revenue, amounting to about £15,000 a year was sustained. By way of remedy for this evil, many very valuable documents had been sent to St. Paul's, where they were deposited in what was called the trophy room; but the Dean and Chapter would not allow a fire or candle in the room; so that they could only be examined during the summer months, and were, besides, being destroyed by damp and mildew. Last year a Bill was brought in giving powers to acquire property on which to build a Court of Probate, and a vote of £60,000 was taken towards the purchase of the ground. It was said that the College of Advocates asked a fancy price for their property, but Mr. Pennithorne stated that, if the property were bought merely as a temporary arrangement, such was the growing value of property in the City of London that he had no doubt it might be sold in five or six years without loss to the Government. It was said to be in contemplation to concentrate all the law courts on one site, but the House had already some experience of the delay that was likely to take place in carrying out such an object. The Keeper of Records had declared that after last Thursday there would not be a room in which a single will or any such paper could be placed in a state of safety. This was a subject which required the immediate attention of the House. Hon. Members would not sleep in their beds if they knew that in consequence of a dispute between the Board of Works and the Treasury the title deeds of their estates might at any moment be destroyed by fire. He paid a visit to the building the other day, and found, in a room four feet square, three gentlemen each with a companion, who were reading wills aloud. He could not understand a word that was said, yet it was evident a vast amount of property might depend on the correctness of a single word. Seeing that the Government had the power of purchasing this property at a valuation and that it adjoined the Probate Office, he begged to ask the First Commissioner of Works when proper accommodation would be provided for Her Majesty's Court of Probate, and what steps had been taken to acquire the property for which powers were given under the Act of last Session, and for the purchase of which a sum of £60,000 was granted?

MR. COWPER said, that his hon. Friend had prefaced his question by a good many remarks; but the actual question might be disposed of in a very few words. The real question was, whether the Board of Works were prepared to purchase the property that belonged to the College of Advocates. He would shortly give the reasons why he thought it better not to do so. The present Probate Registry was, no doubt, an inconvenient building, but it was only temporarily retained. It was expected that the Commission now sitting for the concentration of the law courts would recommend some plan for placing all the law courts on some convenient and contiguous

site. It was, therefore, very desirable that the Board of Works should not go to an expense that would stand in the way of uniting the Probate Registry with the law courts. The Registry ought to be in contiguity to the Probate Court itself, the Divorce Court, and the Admiralty Court. He had, therefore, to consider how temporary accommodation could be supplied most conveniently, and at the least expense. That might be done in two ways—either by buying the property belonging to the College of Advocates to which his hon. Friend had referred, or extending the present accommodation by means of hiring the houses on the other side of the way. He had preferred the latter plan, because it involved a saving of £20,000. He should thereby provide seven times as much accommodation as was now found in the registry of wills and documents, whereas the officers of the court stated that it would be enough if they had five times the present space at their disposal. The plan he had adopted would be economical, and would provide the necessary accommodation until a larger and permanent building could be provided.

THE CONVICT ESTABLISHMENT AT BERMUDA.—OBSERVATIONS.

LORD NAAS said, he wished to call the attention of the House to the state of the convict establishment of Bermuda. The case which he had to bring under its notice was so urgent and important that he should offer no apology for trespassing upon its time. Many able and philanthropic men in England had been for many years occupied in endeavouring to improve convict treatment, but there still existed a blot upon her public establishments which reflected the greatest disgrace upon the country. The convict establishment at Bermuda had been in existence a considerable number of years. It was not to be regarded in the light of a transportation colony, but was rather an offshoot of the establishments at home. Convicts had been sent out in very great numbers to Bermuda. There were now 1,200 persons there who were employed in public works, in the naval and engineer department. Parliament had devoted £58,000 a year to this establishment. At the expiration of their sentence the convicts were all returned to England to be discharged, and not less than 360 were sent home during the past year and liberated in this country. Many of them belonged to the worst description of criminals, being composed of prisoners who were sentenced to ten years' transportation or the longer periods of penal servitude. Here he might remark that the system was wrong, which sent to a place where there was the least supervision, offenders who required the strictest discipline and control. Their reformation under such circumstances was impossible and contamination was certain. Yet these men were let loose on society for the most part after four or five years' confinement. On looking over the Official Reports it was hard to say which was the worst managed—the department of public works, or that of the officers who had control over the prisoners. It appeared to him that bad management prevailed in every branch of the establishment. With respect to the department of public works, especially that of the dockyards and naval department, it was enough to refer to the Report of the Comptroller. He said:

"The principal divisions of works upon which the prisoners have been employed are three:—1st, the naval works under the superintendence of the Naval Department; 2nd, the Boaz Island Works; and 3rdly, the Ordnance Works, both under the superintendence of the Commanding Royal Engineer. A fixed number of 300 prisoners are supposed to be employed upon the Hospital at Boaz Island, a work second to one other only in importance, and the progress of which is not very sensible."

Again he said at the end of his Report—

"I will invite serious attention to the present organization of the Works Department. That it is very defective is evidenced by the remarkably slow progress of the buildings, &c., in course of construction, and by the wasteful expenditure of stores and material which meets the eye in every direction."

The works alluded to were of a very extensive and costly nature, and comprised those connected with the prison, with the dockyard and naval department, and with the engineers. In some instances they had not even been commenced, and in others they had been abandoned in a half finished state. Implements were scattered about in every direction, and valuable stores were sometimes landed in the island, and, being taken charge of by nobody, left exposed to the influence of the weather. No one seemed to be responsible for the management of the works, and hence the neglect and extravagance which prevailed. The next point to which he wished to call the attention of the House referred to the condition of the accommodation for the officers, and on this point the comptroller thus reports:—

"The want of accommodation for the officers is in itself fatal to the attainment of anything like

a perfect state of discipline, for officers are thus compelled, in not a few instances, to go six or seven miles, and to cross the Sound to the opposite shore. One necessary consequence of this has been that one-third of the officers have been allowed to absent themselves from duty every night; thus those who remain find the duty rendered extremely arduous, while those who have leave (having a long distance to go) are obliged to leave the works two hours before the day's task is concluded, and for the same reason are unable to return in the morning until two or three hours after the convicts are at work, not to mention the unavoidable fatigue and lassitude consequent in this climate upon so long a walk. For five hours of each day there are not enough officers to take charge of the numerous parties. In short, the evils which result from the want in question are far too numerous to be detailed in my Report, and I would urgently recommend that quarters for the officers should be built at once, for I consider this of far more importance than any of the works in course of construction. The want of a prison wall has hitherto rendered it impossible to prevent communication between the convicts and the country people who are constantly passing and repassing on the public road through the Island, and who also supply fruit, vegetables, poultry, &c., to the private houses. The separation of the prison into places of detention so distant from each other not only makes supervision and reference to the comptroller more difficult, but introduces many delays into the smaller details of daily management."

Then with regard to the state of the prisoners on board of the hulks, what did the chaplain say?—

"The great majority of the convicts are confined on board the hulks, and so long as this is the case it must be prejudicial to any general improvement in the character and conduct of the men. Bermuda is the solitary exception, under the British crown, where these dens of infamy and pollution are permitted to exist. Both on the score of civilization and humanity they have been everywhere else condemned. Few are aware of the extent of suffering to which a prisoner is exposed on board the hulks, or the horrible nature of the associations by which he is surrounded. There is no safety for life, no supervision over the bad, no protection to the good. The hulks are unfit for a tropical climate."

Now he did not so much complain of the officers as of the defective nature of the arrangements and accommodation, under which anything like improvement or instruction was impossible. The state of the prison on shore was a source of great evil. The official Report states that—

"Boaz Island prison does not possess a wall or inclosure of any kind. There is a free communication both with the Ferry-road and with the private houses on the island. By these means the introduction of spirituous liquor prevails to a great extent, and drunkenness is a common offence among the prisoners. Before anything else is undertaken a wall of separation should be put up, without which the place does not deserve the name of a prison, so that when passing through the gates both prisoners and hired workmen might be searched, and all prohibited articles stopped. At present every prisoner on the island manages to have money in his possession, to gamble, to get rum, and to correspond with parties outside—practices which are strictly forbidden by the rules."

He believed that the erection of prison walls was recommended two years ago, but nothing had been done. More than half the convicts were punished during last year, and some were tried for serious offences. With the exception that the convicts were healthy, there was hardly a single evil connected with the worst system of prison management which did not exist at Bermuda. It was idle to say that the evils could not be remedied. If they contrasted the system which prevailed in Bermuda with the system which existed in Ireland they would find that, while one was the worst imaginable, the other was most successful. Since 1854 Ireland had absorbed all her convicts, amounting in number to no less than 5,063. During the four years 1,250 had been liberated conditionally, of whom only seventy-seven had had their licences recalled, and 854 had been liberated unconditionally, of whom four only had been reconsigned to prison. It might be said that he ought to have brought the subject before the attention of the House upon going into Committee of Supply, but in the present state of public business it was impossible to say when they would arrive at the consideration of the miscellaneous estimates, and he felt that something ought immediately to be done. He hoped he should receive some assurance from the Government that inquiry would be made, and that no convicts would be sent to Bermuda as long as the system of hulks existed there.

TAX BILLS—EXCISE DUTY ON PAPER. QUESTION.

MR. WHALLEY said, he had anxiously waited in the hope that some other Gentleman would have put the question which he was about to ask the noble Lord at the head of the Government. A petition had been presented by himself from Ruabon, most numerously signed, praying the House to take some immediate measures for the protection of their undoubted privilege of originating taxation. He had also a notice on the books in reference to the subject, and he hoped the facts would in some respect justify his rising. He wished to know whether the communication which they have just received about Precedents, is all they are to hear from the Ministerial

Bench in reference to the event which occurred last night of the Paper Duty Repeal Bill being rejected in "another place," and if so, when the House will receive some further definite communication, such as the House and the country can understand and act upon in reference to this unprecedented, or, at all events, most important step taken in "another place." That was the question which he ventured to put to the First Minister of the Treasury, or to any other Member of Her Majesty's Government, who would be good enough to take cognizance of it.

SIR GEORGE LEWIS: With reference to the question of the hon. Member for Peterborough (Mr. Whalley) I have nothing to add to what has been already said by my noble Friend, the First Lord of the Treasury; but, with regard to the question which the noble Lord (Lord Naas) has raised, my attention has been directed to the reports which he has cited; and I quite concur with him in thinking that the state of things, which these reports disclose, is one which requires the immediate and urgent attention of Her Majesty's Government. As far as the Home Department, which I represent, is concerned, there would be no difficulty in making arrangements for the disposal of the whole of the annual number of convicts, without sending any additional convicts to Bermuda, partly by means of other stations abroad, and partly by means of the convict prisons in England. The advantage which accrues from the annual supply which is sent to that island, arises from the public works in the nature of fortifications which are there proceeding under the direction of the Naval and Military Departments, and which would impose an additional charge on the public revenue for their continuance, if that supply were withdrawn, and the works continued. I believe that for some time no Irish convicts have been sent to Bermuda. The supply from Ireland has entirely ceased; and the convicts who have gone out have been convicts solely from Great Britain. Nevertheless, there is a certain number of Irish convicts there, and an affray of a sanguinary nature between the English and Irish took place in the course of last year. It was a sort of faction fight; and, much as it is to be deplored, it does not evince any general want of discipline. There is no doubt that the confinement of a large number of convicts in hulks at Bermuda, in consequence of the want of adequate prison accommodation on shore, is an objectionable system, and I am not about to defend it. But this question, like so many others which come under the consideration of this House, ultimately resolves itself into a matter of additional expense; and the proper time for considering this question will be when the convict Vote comes under consideration in Committee of Supply. The House will then have to decide whether they will incur increased expenditure for the improvement of the accommodation at Bermuda, with a view to maintaining an undiminished number of convicts there, or whether they will discontinue the public works on the present footing; in which case the excess of convicts not sent to Bermuda, can be received with facility elsewhere. In the meantime, I would say that I believe my noble Friend at the head of the Colonial Department is of opinion that it is desirable to send out a Commissioner, or some person charged with the function of inquiry into the present state of the convicts at Bermuda. I shall be prepared to concur in that course; and if the inquiry is made, the result will enable the House to come to a decision with fuller information than they at present possess.

SIR JOHN PAKINGTON observed that the answer of the right hon. Gentleman was not altogether satisfactory. He said the question resolved itself mainly into one of expense; but it might much more properly be said to resolve itself into one of the departments which ought to have the control of these matters. He would put it to the right hon. Gentleman whether it would not be better that all the convicts, whether engaged on public works at Bermuda or in the dockyards at home, should not be placed under the central authority of the Home Office.

SIR GEORGE LEWIS said, he had understood the objection to be directed to the system of hulks altogether, whether they were under the Home or the Colonial Department.

PUBLIC BUSINESS.—RESOLUTION.

VISCOUNT PALMERSTON: Sir, I now proceed to make the Second Motion which stands in my name, by which the House is asked to resolve that, after Whitsuntide, Orders of the Day shall have precedence of Notices of Motion on Thursdays, Government orders having precedence of other Orders, and that on Friday Notices of Motion shall have precedence of the Orders of the Day.

Motion *agreed to.*

Resolved.

"That upon Thursdays, after Whitsuntide, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having priority, and that Notices of Motion have precedence of Orders of the Day upon Fridays."

VISCOUNT PALMERSTON: Perhaps the House will allow me to add that it is proposed on Thursday that the Wine Licences Bill shall be disposed of. The third reading is not expected to take up much time; and after that my right hon. Friend will propose the Votes on account of the Civil Service Estimates. We shall then take up the Naval Estimates.

YORK ASSIZES—QUESTION.

MR. DEEDES said, in the absence of his hon. Friend (Mr. Cayley) he would beg to ask the Secretary of State for the Home Department with respect to a Circular lately sent to the Magistrates of the County of York on the subject of a division of the Assizes of that county, Whether he is aware that the Common Law (Judicial Business) Commissioners (1857) reported against the expediency of removing the Assizes from York; whether he is aware that in 1858 a Memorial was forwarded to the then Secretary of State, prepared by a Committee appointed by the General Gaol Sessions of the County, and signed by 309 of the Magistracy (169 being magistrates of the West Riding), expressing a conviction that the removal of any portion of the Assizes from York would be accompanied by great public inconvenience and be at variance with the feelings of the county at large; and, whether he has any objection to lay upon the table any recommendation he may have received in favour of such change, together with the names or numbers of the parties recommending the same?

SIR GEORGE LEWIS said, he had received representations from a very numerous and respectable deputation a short time ago in reference to the advantages which would arise from holding a separate assize for the West Riding; and he had addressed letters to the three Lords-lieutenant of the different Ridings of Yorkshire, requesting them to ascertain the opinions of the magistrates in their respective districts. There would be no objection to produce the answers when they were received. The correspondence which had already taken place would be published.

REGIUM DONUM.—GRANT TO NONCONFORMING MINISTERS IN IRELAND.

RESOLUTION.

MR. BAXTER said, he trusted it was not necessary for him to disclaim any hostile or unkindly feelings towards those persons who were the recipients of the grant to which the Motion he was about to make referred. He should be the last man in the House to say a word against a body of ministers whose religious opinions were largely identical with his own. The House would be aware that this grant was made to Presbyterian and Unitarian ministers in the north of Ireland, and amounted to nearly £40,000 per annum. It differed from all other grants to religious bodies, inasmuch as a fresh claim was created whenever twelve families were gathered together who were able to raise £35 yearly, which at once became chargeable on the Estimates for the ensuing year Consequently, the grant went on increasing and extending just in proportion to the ability of any clergyman to collect a certain number of people, and to raise a small sum of money. It had often been to him a matter of astonishment that a large, wealthy, and respectable denomination should continue to receive these grants, to which much odium attached, and, in regard to which, even charges of imposition and fraud had been made. He objected to the grant on three grounds. First, he held it to be financially wrong and a waste of public money; and, next, he objected to it on principle, believing that as long as this grant went on, the House could not consistently stop short of carrying out a principle which the English nation had distinctly repudiated—that of subsidizing the ministers of all denominations. He had a third objection to the grant that it had been productive of disastrous consequences to the recipients themselves. It had been a drag on the Synod of Ulster, and was the main cause of the complaints of inadequate remuneration made by the ministers. He might, perhaps, be told that the grant had been given in lieu of tithes to the Presbyterian ministers of Ulster, and that they had, therefore, a right to it as a part of a compact between themselves and the Government of the day. But he had investigated the matter, and the result he had come to was that no facts existed to warrant the conclusion. In fact not a particle of evidence existed to support the allegation. Dr. Reid, the historian of the

Church, said not a word about it. The truth was that it was not as Presbyterians but as clergymen of the Established Church, that the ministers enjoyed the tithes. The Marquess of Londonderry, in the memoirs of his brother, Lord Castlereagh, gave the true explanation of the matter.

"The Scottish colony," said he, "was accompanied by its ministers, who, by a comprehension and connivance, dictated by the necessity of the times, were put in possession of the tithes of the parishes of which they were ordained pastors. It does not appear that their title to the tithes was ever strictly legal; but they certainly enjoyed them with the consent of the bishops, and continued to be *thus* supported until after the death of Charles I., when they were deprived of them by the Commonwealth."

At the restoration of the monarchy the Presbyterian Ministers were deprived of all pay, and from that time to 1672 they were wholly dependent on the free-will offerings of their people. William and Mary, no doubt, renewed the gift, and placed it on the Irish establishment; but then it was only for £1,200 a year, and even should they admit a contract, it was only one for that amount and not for £39,000. But this was not all; in little more than a year after the new patent was granted the Irish Parliament passed a Resolution declaring "that the pension of £1,200 per annum granted to the Presbyterian ministers in Ulster, is an unnecessary branch of the establishment." The Queen, Dr. Reed informed them, continued the grant in spite of this parliamentary vote against it; but that she had no great zeal in the matter was proved by the fact that for some time before her death the Regium Donum was actually discontinued by the Irish Government. And further, even so recently as the year 1729, a deputation was sent to London, for the purpose of inducing the Government of George II. to restore the English, or additional bounty, as well as pay up the arrears for the years during which it had been suspended. Archbishop Boulter, who seems to have been very friendly towards the Presbyterians, gave the deputation a letter of introduction to the prime minister, Sir Robert Walpole, which was alike creditable to his candour and liberality. As the Archbishop would, no doubt, be well instructed by those whose cause he was advocating, as to the real state of the case, there was one sentence in his letter which was of great importance. Speaking of the arrears due to the Presbyterian ministers, he said,

"They are sensible there is nothing due to them, nor do they make any such claim, but as the calamities of this kingdom are at present very great . . . . . it would be a great instance of his Majesty's goodness, if he would consider their present distress."

Well, then, it might be asked, what was the nature and reason of this payment? He replied that the history of all the transactions in regard to it, the deputations, and memorials, and increases from the reign of Queen Anne to the death of George III., most conclusively prove it to have been neither more nor less than a reward for political services. Or, as the right hon. Gentleman, the Member for the University of Dublin, last year more mildly stated, it was given "on the ground of public policy." Did any one doubt this? Then let him ask why, when Charles II. renewed the grant in 1672, it was placed in the annual Estimates, under the head "secret service money?" Why did Lord Castlereagh, in endeavouring to alter the mode of distribution in 1799, entitle his scheme "A Plan for Strengthening the Connection between the Government and the Presbyterian Synod of Ulster?" Why, even Dr. Killen himself, the eloquent defender of this Vote, used these remarkable words:—

"In proposing this new scheme of endowment for the Irish Presbyterian Church, it would seem that Government was chiefly actuated by those purely secular considerations which ordinarily have weight with prudent and calculating statesmen. Presbyterian ministers were now, to a great extent, dependent for subsistence on the voluntary contributions of their flocks; and, to maintain their popularity, they were sometimes strongly tempted to take the lead in political movements of very questionable expediency. An increase of the Royal grant would place them in more independent circumstances in relation to the people, so that they would be less likely to give any countenance to the spirit of faction or sedition. It was expected that the State, at the same time, would thus increase its own direct influence over the spiritual guides of an important section of the population of Ireland. In their arrangements for the augmentation of the grant, it is plain that the leading statesmen of the day aimed at the political subserviency of the Presbyterian ministers of Ulster, and, when impartially estimated, their motives were as destitute of piety as of patriotism."

He held in his hand a very curious little pamphlet, one extract from which would save his troubling the House with statistical memoranda of his own. He begged the particular attention of the House to it, and he made no apology for doing so; for he felt confident those who did him the favour to listen to the sentences he was about

to read would admit that his case, as far as the failure of the present system was concerned, really required not another word of argument on his part. The pamphlet to which he alluded was entitled, "Pastoral Provision; or, the Income of the Irish Presbyterian Clergy Shown to be Insufficient; with the Proper Means to be Adopted for its Augmentation. By the Rev. William Oliver, of Dunluce." The following was the contents of one of the chapters, and it was not a little suggestive:—

"Evils of Insufficient Support: Large Proportion of our clergy unmarried—Dangers. Imperfect attendance on Church courts—Effects. The almost total extinction of original literature in our Church. Secularization of the clergy—Effects. Poverty originates suspicion of dishonesty—Efforts to maintain integrity. Danger of the cessation of the ministry among us. Removal of the gentry to other communions. Pulpit services want in variety of information, from inability to procure books. Temptation to relax in discipline."

The following extract was one of the most remarkable, and it was the only one he would read. Mr. Oliver, himself a Presbyterian minister, said:—

"In looking over the Government Return for the year ending 31st March, 1854, what an extraordinary picture does it exhibit of the depressed state of our ecclesiastical revenue! And this evil originates directly in the cause already assigned. This document, I would remark, is one of those yearly returns required of every minister, with a view to his being entered upon the Parliamentary estimates for endowment. It is a certified record given by him of the number of families that compose his congregation, and of the amount of stipend and other sources of emolument enjoyed or received by him during the previous year. It is, therefore, in the highest sense, authentic, and of the greatest value in ascertaining the exact sums contributed by our Church. In analyzing this document, a very painful exhibition of parsimonious dealing towards the clergy at once flashes upon the eye. The facts disclosed are so discreditable, that it may be thought highly imprudent to publish them. . . . . I know that in dissecting this document, I will appear odious in the sight of many. Be it so. Are we to allow the gangrene to fester for ever; and is there no man to rise up, sufficiently fearless and honest, to probe it to the bottom, though it should touch the unfortunate victim to the quick? Presbyterianism is now, if ever, in a position to do its duty. It has remained in this land over two centuries; and, if in its infancy still, I ask, when is it likely to be released from its leading-strings? I will avoid making long comments. Let facts speak for themselves. And if parties get angry, let them disprove my statements, or turn their wrath into the right direction. If they have been guilty of causing this actual state of matters, that is no fault of mine, and why should they be ashamed of their own production? These tables tell us that, in connection with the General Assembly, apart from Unitarians, Covenanters, and other minor sects, there are about 450,000 adherents, paying, as nearly as I can reckon up, £18,748 11*s.* 7½*d.* Now, we have a perfect right to consider each individual as the object of ministerial attention. Infants have to be baptized, and attended to when sick; youths catechized and trained in the Sabbath school, and the aged prayed with and exhorted; and, what is the amount contributed by each individual? Exactly 10*d.* a year, or considerably less than one farthing per week, and this, be it observed, even including the large-hearted, and, in many instances, princely liberality of Belfast, Dublin, Londonderry, and other influential towns. That is, for every week's service, preaching on the Sabbath, and pastoral duties on other days, congregational visitation, catechizing, celebration of marriages, attending funerals, visiting the sick, addressing public meetings, and numerous other minor requirements, we are presented by each person with the munificent sum of one-fifth of a penny weekly. Here is the brand of disgrace engraven upon our foreheads, that has made us a gazing stock to the English Voluntaries, the Irish Roman Catholics, the noble spirits of the Free Church of Scotland, and, in short, to every denomination of Christians on this and the other side of the Atlantic. But I grow sick of these calculations; and I merely introduce them to expose the palpable absurdity, that our people give as much as they are able toward the maintenance of their pastors. In looking over the same document, the following facts appear:—The average stipend of each minister is £40 per annum. In the whole assembly, consisting of 467 congregations, there are but 69 self-sustaining. Besides, there are no less than 146 congregations that pay their ministers from £40 to £30 a year; 127 that contribute between £20 and £30, or little over the keep of his horse, notwithstanding the Government screw of the £35 qualification, and 39 that actually give below £20 a year! We have thus arrived at the astounding conclusion, that, in a Church composed of 467 congregations, on the most liberal view of the case, there are 357 that only give a partial support, leaving their pastors to eke out the necessary means by farming, merchandise, or any other wordly employment they please."

The extract was quite sufficient, in his opinion, to show the result which had been brought about by the system of giving a State subsidy. He asked the House to compare that result with the case of Scotland. Seventeen years ago there was a disruption of the Presbyterian Church in that country, and since that time the Free Church had contributed a sum not very far short of five millions sterling for religious purposes. On the other hand, since 1799, the sum contributed in Ireland for the support of the clergy had positively decreased. By the terms of his Motion, he did not ask the House to take any extreme or unusual course. On the contrary, he submitted that he was asking the House to act in accordance with precedent. For generations there had appeared on the

Estimates a Regium Donum Vote for dissenting congregations in England. That Vote had produced the same disastrous results as were now produced in Ireland. The noble Lord the Member for the City of London, when Prime Minister, at length removed it from the Estimates, and he believed the congregations affected by it had had occasion to thank the noble Lord ever since. Within the last few years the House had abolished the Regium Donum for the Independents of Scotland, and that body had benefited by the transaction. He was not, however, asking the House to do for Ireland what had been done for England and for Scotland. What he asked was that the Presbyterian clergy in the north of Ireland should be placed on the same footing as the clergy in British North America—namely, that the grant should be gradually abolished, and should cease with the lives of the present recipients. This was a very moderate and justifiable proposal; it had the recommendation of interfering with no vested interests, but would simply provide against any increase of the grant, and for its final extinction. An hon. Friend of his had objected to the Resolution as it then stood, adding that pensioners never died; but that only showed the moderation of his proposal. He submitted it with confidence to the consideration of the House. If they adopted it they would take a course which would strengthen Presbyterianism in the north of Ireland, and have, he believed, the immediate effect of raising the salaries of the clergymen connected with that body, besides putting an end to a system which, he believed, no statesman in the House imagined would be permanent.

Motion made, and Question proposed,—

"That this House is of opinion that the Grant now annually made to Non-conforming Ministers in Ireland (commonly called the Regium Donum), should cease and be extinguished as speedily as is consistent with the just expectations of the recipients thereof: and, with this view, that no further Grant be made on account of 'New Congregations,' nor to any existing Congregations after the present Ministers thereof shall have ceased, by death or otherwise, to be the Ministers of such Congregations."

Mr. FRANK CROSSLEY said, he had great pleasure in seconding the Motion. He believed it was the very best mode of settling the long-vexed question of the Regium Donum. It did not interfere with any vested interests; it simply provided that after the deaths of the present recipients no further grants should be made. His hon. Friend had clearly shown that it was not to the advantage of the Ministers themselves that the grant should be given, and that by doing so, the House said, in fact, to the congregations, that it was not their duty to provide for their pastors, although every one admitted that it was their duty to provide for their own household. He believed that by removing the grant the House would throw the duty where it ought to be. He would ask what right had the House, as representing the United Kingdom, to tax the whole people in order to provide salaries for a small portion of the inhabitants of Ireland? They could not set up the plea that they belonged to the Established Church of Ireland, or to that body which included the largest number of the inhabitants. Looking at *Dod's Parliamentary Companion*, he found that, although many hon. Members were against interfering with regard to what had been already done for the State support of religion, there was almost an unanimous opinion against new grants of money to any denomination whatever. Under these circumstances, he trusted that a large majority would assent to the Motion, and that the House would stand by the broad ground of not voting any further sums out of the public purse for the support of any religious denomination whatever.

Mr. CONOLLY said, he rose to move an Amendment that all the words after the words "regium donum" should be omitted, and that the following words should be added to the Resolution:—

"Should no longer be exposed to the annual criticism of this House, but having been duly sanctioned by this House for a lengthened period of time, it ought now to be placed upon the Consolidated Fund."

[*Derisive cheers.*]—He hailed with some pleasure those derisive cheers, showing as they did the scant knowledge of this subject of those from whom they emanated, and, as applicable to it, the small amount of their Parliamentary law. In proposing that Amendment he relied on the revered precedent of the late Sir Robert Peel, who, years ago, in answer to the late Sir Robert Inglis, said he intended to proceed by Bill in placing the establishment of Maynooth on a permanent footing; and he added—adverting to the Irish Regium Donum—that he thought it unadvisable that any of the Protestant institutions of the country should be subject to the annual criticism of that House. He therefore treated with contempt the derisive cheers that had pro-

ceeded from the Parliamentary ignorance of the hon. Gentlemen opposite. He begged to remind the House that the Resolution of the hon. Member for Montrose came with very small authority before the assembly to which it was addressed; for, first of all, the hon. Member himself represented a Scottish borough; and next, the Seconder of the Resolution represented an English constituency, although no doubt it was one of the most distinguished in the kingdom. Those hon. Gentlemen came forward, however, to interfere with the affairs of the Presbyterians of Ireland, a matter which they knew very little about. He (Mr. Conolly) claimed to have a better opinion as to what was good and fitting for the people of that religion in Ireland, and he must say that the hon. Members who had spoken took a singular way of augmenting the revenues of the Presbyterian ministers when they expected to do so by the withdrawal of this grant. The hon. Member for Montrose (Mr. Baxter) had quoted a dictum of the late Lord Castlereagh against the grant; but he would remind him that the father of that noble Lord was a Presbyterian, and a zealous supporter of the Regium Donum, and his motives for being so were those of high policy as well as for the benefit of the Presbyterians themselves. No man could entertain greater respect for the Presbyterian body in Ireland, for their noble and consistent Protestant feeling, than he (Mr. Conolly) did, although he himself did not belong to it, and he felt confident that if hon. Members would look into the actual position of affairs they would not accede to this Resolution. He denied the authority of the hon. Mover and Seconder on this question, and he would confidently appeal to the judgment of the House to vindicate the claims of that most respectable and respected body. [*Cries of* "Divide, divide!"] He understood that cheer, and therefore he would not prolong the argument, but merely add that the Presbyterians claimed this grant as a right. From the time of William III. till now they had never failed to maintain the honour and dignity of the Crown and the interests of religion, and the justice and policy of the grant had, in consequence, been recognized by successive statesmen of the highest order in that House.

Amendment proposed,

"To leave out from the words 'Regium Donum' to the end of the Question, in order to add the words, 'should no longer be exposed to the annual criticism of this House, but, having been annually sanctioned by the opinion of this House for a lengthened period, it ought in future to be placed upon the Consolidated Fund."

—instead thereof.

MR. DAWSON said, that the hon. Member for Montrose had readily kept the promise that he made last year, that not only should there be a yearly discussion upon the merits of this endowment, but that besides the opportunity for debate to be expected in the Civil Estimates, that House should be treated, *usque ad nauseam*, with another anticipatory contention upon the same subject. He had no hesitation in meeting the Resolution of the hon. Gentleman with a direct negative, and he trusted that the House would establish, by a large majority, the full principle of justice which had maintained that grant for so many years. Its origin was almost coeval with the settlement of Ulster, and some years before 1655, Presbyterian ministers had participated in the tithes of Ireland, as in that year the tithes were transferred to the public treasury, and they, in common with the clergy of other Protestant Churches, received their share, and were recognized by the State. Though discontinued during the last years of the reigns of Charles II. and James II., almost the first Act of King William III., in 1690, was to order a payment of £1,200 annually for the maintenance of the Presbyterian clergy in the North of Ireland, and the very terms of this grant implied that it was not as a consideration for political services, but as a compensation for losses they had suffered in the withdrawal of their proportion of the tithes, that this charge was placed for payment upon the funds of the Irish Exchequer. Thus a deliberate compact was made with the Presbyterian Church for the partial support of its ministers, and though subsequently increased at different periods, the State has thus continually admitted its obligations, and the successive additions to this endowment have been made in reference to the growth of Presbyterianism and the requirements of religion. It is generally conceded that, as a matter of bargain, the State has been a great gainer by this grant to sustain the Presbyterian Church in Ireland, for whenever the annual attack is made upon it by those Gentlemen who represent the voluntary system in that House, the Irish Chief Secretary of the day, and those Gentlemen who have formerly held that high position, are found to advocate its retention by recognizing the superior morality, the orderly demeanour,

and the loyal and patriotic sentiments which distinguished the Presbyterian population of Ireland. They tell us, and they tell us truly, that where the congregations of that Church are most thickly placed, the public expense of police is lessened; that the gaols and workhouses are comparatively empty; that not only is there a great diminution of crime, but that there is also a very considerable economy of cost in the administration of criminal justice. He had lately a personal proof of this honourable distinction in watching the proceedings of the Spring Assizes of the county which he had the honour of representing in Parliament, for though the calendar of the County of Londonderry was more than usually over-burdened, and the Presbyterian population of that county exceeded 100,000 souls, one Presbyterian alone was prosecuted to conviction, and that for an offence of a most trifling character. Credit must, therefore, in common fairness, be given to those Ministers of the Gospel who were answerable for the moral culture and superior religious training of their people; nor could he consider it would be advantageous that, by the suspension of State assistance, the Presbyterian clergy should become wholly dependent upon the precarious provision afforded by their congregations. They ought to be secured in an independent position, and the present arrangement for their sustentation, partly by a State endowment, and partly by congregational subscription, appeared equitable, and had been found to work beneficially for the public advantage. It should be remembered also that the present modest grant of £69 4*s.* 8*d.* to each minister is only given by the State after a *minimum* sum of £35 has been annually secured by the congregation; that the chapel must have been built, and that the minister must have received a salary for two years at least before the application in his individual case for the Regium Donum can be complied with. Objections have been made to this grant on account of its expansive character, and to the indefinite number of new congregations that it is alleged might be created under its operation, but he would remind that House that the Church Courts of the Presbyterian body were responsible for each new congregation, and that the honour and dignity of religion itself was concerned in the scrupulous administration and observance of this great trust. No abuse had ever yet been proved, and it would be more generous and only just that no imputation should be made that could not be sustained. So entirely did he differ from the views enunciated by the hon. Member for Montrose that he considered that the foundation of this grant should be strengthened and the separate amount of royal bounty to each minister should be augmented and amended. He could not derive satisfaction from the present insecure establishment of a State provision which depended upon an annual Vote, and might be withdrawn by accident or the caprice of circumstances. Constant majorities in that House had affirmed its retention, and he would appeal to the Government whether the time had not come when, like other religious endowments, it ought to be placed beyond the danger of these periodical assaults by a transfer from the annual Estimates to the more confirmed position of a charge upon the Consolidated Fund. Such a proposition, proceeding from the Government (as he yet hoped to see) would, he felt certain, be acceptable in Ireland; for, in looking over the lists of the division in last year's Civil Estimates, he found that out of 105 representatives of Ireland, two only had recorded their votes against this endowment. The Roman Catholics of Ireland do not regard this grant with disfavour. All parties there are favourably inclined to its continuance, and he believed that its further consolidation would be received as a graceful act of conciliation. He thought that in consequence of the great change in the value of money, and the increased cost of all the necessaries of life, the sum of £100 should be substituted for the present allowance of £69 4*s.* 8*d.* to each minister as a suitable provision, and he felt certain that circumstances would justify this extension of the national generosity. Were the Maynooth Grant and the Regium Donum placed upon the same secure foundation, it would be more difficult to endanger either; for he fairly owned that so long as he held a seat in that House, he should be prepared to support and defend those endowments, as well as all the other religious establishments of the nation. He therefore most heartily deprecated those religious discussions, whether proceeding from the hon. Member for North Warwickshire or the hon. Member for Montrose, for he believed that much injury to social good will and contentment was engendered, and that sectarian rancour and animosities were thereby fostered, and most especially in Ireland. He

Mr. Dawson

would, moreover, preserve these grants as tokens of justice to Ireland, for, subjected as Ireland now was to equal imperial taxation, and disproportioned as her public debt was to that of England at the time of the union of the two countries, she could fairly claim that her existing institutions should be maintained intact, and that the religious requirements of her population should be supplied.

MR. CARDWELL:—It seems to me that the House is desirous of coming to an early division on this subject. In the first place, I appeal to the hon. Member for Donegal (Mr. Conolly) not to persist in his Amendment, for which he could scarcely find a seconder, and which is not calculated, I think, to advance the cause he has at heart. I hope my hon. Friend the Member for Montrose (Mr. Baxter) will not think me disrespectful if, in compliance with the wish of the House, I observe great brevity in answering the argument he has brought forward. I think that argument was of the fairest and most candid description, and raised the whole question in the plainest terms. But I must add that none but those who are prepared to carry out the voluntary principle to the utmost can give their support to the Motion of my hon. Friend. He states that the objection to the grant was based upon three grounds—the first being finance. That speaks for itself, and if the public consider that the benefit derived from the grant is not worth the moderate sum of £40,000, then I must admit that part of the argument. But it appears to me that weightier considerations ought to prevail. My hon. Friend urges, in the second place, that this is a matter of universal endowment. The shortest reference to the history of this grant shows that if there is a case in which a grant ought not to be withdrawn the present deserves the serious consideration of the House. It is admitted by my hon. Friend that when these parties originally went to Ireland, in the reigns of James I. and Charles I., they were in the actual enjoyment of the tithes of the benefices they served. But during the Commonwealth, when they refused to change the oath of allegiance, they were sentenced to what was then considered to be a severe punishment —they were going to be transported to Tipperary, and vessels were in readiness at Carrickfergus to take them off. According to the historian of the age, in the time of Henry Cromwell's lieutenancy—Henry Cromwell being himself of a mild temper—they had an easier time of it. But he remonstrated with them for not changing their religion, on the ground that they were receiving £100 a year from the Government. They said, "We have to give you no thanks for that, for it is a very poor compensation for the tithes you have deprived us of." Changes took place in the position of the Presbyterians in both countries. Suffice it to say that Charles II. originally gave them this Regium Donum, which on the first landing of William III., and before the Battle of the Boyne, was confirmed to them by that Sovereign. It was increased by George I., for loyal services performed, and so went on until 1803, when it came under the special consideration of this House, and when the arrangement now in substance acted upon was made. That was reviewed in 1831, and under strict rules it was administered, as I believe, with great advantage to the country. I think that a sufficient answer to the second part of my hon. Friend's argument—that this is a branch of a universal endowment. In not disturbing what has existed in substance from the time of the Commonwealth to the times of the Restoration and the Revolution, you can hardly be said to be consenting to a universal endowment. You cannot upset things that have been established by a precedent of that kind without involving serious consequences, which the House would do well to consider before it takes this step. The third argument of my hon. Friend was that the grant, in his opinion, was very injurious to the recipients. I have had the honour of communicating on that subject with the Moderator of the Synod of Ulster, who appears to me to be a better judge than my hon. Friend of what will be the result of the withdrawal of the grant to those whom it concerns. The Moderator entertains a very different opinion as to the consequences of such a course to that of my hon. Friend. My hon. Friend spoke forcibly of the extreme poverty of many of the ministers; but, surely, the worst remedy for poverty would be to take from them the only part of their annual income which is drawn from a permanent and reliable source, and leave them utterly dependent on that small part which is fluctuating and uncertain. My hon. Friend also pointed in the course of his argument to the Free Church of Scotland. Now, I do not believe that that institution, for which I have the highest respect, holds the voluntary principle. I had the honour

of being well acquainted with Dr. Chalmers, who delivered eloquent lectures in this Metropolis in favour of endowments, and I believe he held that principle to the end of his days. Although that excellent body of men, the clergy of the Free Church, have been compelled to sacrifice endowments in their own case for the maintenance of a principle, they still hold the principle that they are legitimate for religious purposes. Then, as to the Maynooth Grant, at an earlier period of the Session the House showed its determination to maintain that grant by refusing to enter into a debate upon it, and we may reasonably hope that in the present case as well, the House is prepared, *stare decisis*, to adhere to the established practice, and not to open the question of general ecclesiastical establishments.

MR. CONOLLY said, he had no objection to withdraw so much of his Amendment as referred to the allocation of the grant hereafter, but at the same time he should pledge himself in the most distinct manner to bring the matter to a decision by introducing a Bill for the purpose.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put.

The House *divided:*—Ayes 58; Noes 217: Majority 159.

CORONERS' BILL (No. 3).

LEAVE.

MR. COBBETT said, that the Select Committee which had been appointed to inquire into the office of Coroner, after examining several witnesses, came to the determination that it was very desirable to introduce a Bill forthwith, embodying their recommendations. Their recommendations were--1st, to make a declaration of the cases in which inquests should be held; 2nd, to empower the Attorney General to apply to a Judge at Chambers for a rule calling upon the Coroner to show cause why he did not hold an inquest in any case; 3rd, to give the Home Secretary power to make rules for the guidance of the county police in giving the Coroner information; 4th, to allow the Justices to fix the salary of the Coroner; 5th, to assimilate the election of Coroner to the election of a Member of Parliament; and, 6th, to provide that Coroners' jurors should be indifferently summoned from the jury lists of their respective counties. The Bill he proposed to introduce generally embodied those recommendations; but with regard to assimilating the election of Coroner to that of a Member of Parliament, he found that there was a difficulty, and he had so far deviated from the fifth recommendation as simply to propose that the polling should take place on the one day and in one place, but the election be conducted as at present. With regard to the 6th point, the jurors being taken indifferently from the jury lists, he was informed that it would be inconvenient to carry that into effect; and, although the clause appeared in the Bill, it might either be modified or omitted. The great principle of the Bill was the payment of Coroners by salaries instead of by fee, and as there must be a full discussion on the whole subject, he suggested that the Home Secretary should appoint the second reading of his Bill on the same day as the second reading of this Bill. The change in the mode of payment would probably put an end to the growing misunderstanding between the Coroners and the County Justices in various parts of the kingdom. With those few remarks, he would move for leave to bring in a Bill to amend and declare the law relating to the election, duties, and payment of Coroners, and to the taking inquisitions in cases of deaths.

MR. WILLIAMS seconded the Motion.

SIR GEORGE LEWIS said, he had no objection to the Motion of his hon. and learned Friend, and was prepared to take the course suggested—namely, that of fixing the second reading of his own Bill on the same day as that on which his hon. and learned Friend would bring on the second reading of his Bill. At the same time, he must say that he still remained unconverted with respect to that portion of his hon. and learned Friend's Bill which he said was its main feature—namely, that which provided for the payment of Coroners by salaries. It would be his duty to oppose that part of the Bill.

Leave given.

"Bill to amend and declare the Law relating to the election, duties, and payment of Coroners, and to the taking of Inquisitions in cases of Death, *ordered* to be brought in by Mr. COBBETT, Sir WILLIAM MILES, and Mr. JAMES."

GUNBOATS AND MORTAR-VESSELS.

COMMITTEE MOVED FOR.

SIR FREDERIC SMITH said, he rose to move the appointment of a Select Committee to inquire into the circumstances which had caused the alleged defective

state of the gunboats and mortar-vessels of the Royal Navy. The hon. and gallant Member was proceeding to make a statement, when—

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at half after Seven o'clock till Thursday.

HOUSE OF LORDS,

Wednesday, May 23, 1860.

Their Lordships met, and having gone through the business on the paper,—

House adjourned at a Quarter past Three o' clock, till To-morrow half past Ten o'clock.

HOUSE OF LORDS,

Thursday, May 24, 1860.

MINUTES.] PUBLIC BILLS.—1ª Ecclesiastical Courts and Registries (Ireland); Church Temporalities (Ireland) Acts Amendment.
3ª Consolidated Fund (£9,500,000).

TREATY OF TURIN—QUESTION.

THE EARL OF CARNARVON said, he wished to put a Question to the noble Lord the Under Secretary for Foreign Affairs. Their Lordships were aware that by the Treaty of Turin, Nice was to be ceded by Sardinia to France. In the French version of the Treaty as published in the *Moniteur*, it appeared that the word "arrondissement" was used, a term as to which there was some ambiguity. He wished to ask whether the noble Lord opposite could furnish the House with any satisfactory information on this subject. Their Lordships were also aware that a mixed commission of Sardinian and French officers had been appointed in order to settle the boundary between the two countries. Now those of their Lordships who knew the country were well aware that the road to Turin, after leaving Nice, instead of bending round the spur of the maritime Alps, mounted to their summit. The question of boundary was therefore of the utmost importance, both as regarded this road and also the limits of the neighbouring State of Monaco. He wished to know whether the noble Lord could give the House some information on this point also?

LORD WODEHOUSE replied, that he was not able to give much information. The Treaty of Zurich had not yet been ratified by the Sardinian Parliament, and, in fact, the treaty itself was silent as to the precise limits between Nice and Sardinia. He believed a Commission was about to be appointed to consider that question, but he was not in possession of sufficient information to warrant him in saying anything further upon so important a point.

THE EARL OF ELLENBOROUGH said, that as to the existing boundaries on these frontiers, they were as well ascertained as those of any borough in England. If the word "arrondissement," were intended as a translation of "circondario," and the latter was the word actually used in the Treaty, there could be no doubt whatever as to what was its exact rendering.

UNION OF BENEFICES BILL.

COMMITTEE.

House in Committee (according to Order.)

Clause 1. (Contiguous Benefices in a City, Town, or Borough, may be united.)

THE EARL OF DERBY said, the primary object of the measure was to meet the peculiar case of the City of London. The population having migrated to the suburbs, the City churches were now almost unoccupied, and it was consequently desirable that the churches should be sacrificed, and that accommodation should instead be provided for the inhabitants of outlying districts. He doubted, however, whether the principle should be extended any further, and whether legislation ought not to be confined to the exceptional case of the Metropolis.

THE BISHOP OF LINCOLN said, that in many of the old corporate and cathedral towns there were a number of small churches, ill-endowed, ill-built, and inadequate for the wants of the population, and which were a positive hindrance to church accommodation, because as long as they stood they would prevent more commodious churches from being erected. Such a Bill as the present would probably make it easier to remedy this evil, and by uniting certain benefices and allowing the demolition of some of these old churches would provide more adequately both for the support of the clergy and the spiritual wants of the district. He could see no reason why such a measure should be exceptional in its operation. If the principle were good for London, it was no less good for other places

similarly circumstanced. He hoped therefore their Lordships would consent to make this measure a general one.

THE EARL OF POWIS said, that if it were thought desirable to extend a measure of this sort generally, there was no need of the elaborate machinery of this Bill. The object could be effected by means of the provisions of the Pluralities Act.

THE DUKE OF MARLBOROUGH thought that the application of the Pluralities Act would not be sufficient, because this Bill proposed in certain cases to authorize the pulling down of churches, which the Pluralities Act did not.

LORD PORTMAN pointed out that if the measure were confined to the Metropolis it would become if not a private, at least a hybrid Bill, and would require certain stages to be gone through before it could proceed further.

THE BISHOP OF LONDON said, he must call their Lordships' attention to the fact that this Bill was in principle a continuance Act of an Act which expired this year; and that, therefore, this or some other Bill was necessary. The Bill did not apply to the whole country; it was confined to any "City, Town, or Borough," and did not extend to rural parishes.

THE EARL OF DERBY suggested the insertion, after the words "any City, Town, or Borough," of the words "inserted in the schedule to this Act annexed." The principle would thus be laid down that this legislation was exceptional and only applicable to the places mentioned in the schedule, the places whose names should be inserted in the schedule might be made subject of future consideration.

THE LORD CHANCELLOR recommended the right rev. Prelate to accept this proposal. He entirely agreed with the noble Earl, as he was always glad to do whenever he was able. The suggestion would meet the wishes of both sides of the House—it would extend the operation of the Bill to all those places to which it ought to be extended, and it would prevent its application to places to which it ought not to be applied.

EARL GREY observed that a grievance existed the extent of which was uncertain, and a remedy was proposed which was accompanied by careful restrictions. If those restrictions were insufficient, let them be increased; but let not their Lordships run the risk of omitting by inadvertence places from the schedule which ought to be included in it.

The Bishop of Lincoln

THE BISHOP OF LONDON assented to the suggestion.

Clause, as amended, *agreed to*.

Clauses 2 to 14 *agreed to*, with Amendments.

Clause 15 (Site of Church pulled down not to be sold or let without certain Consents).

THE EARL OF POWIS moved to insert the words ("shall be taken or construed to legalize the Sale or Letting of the Site of any Church to be pulled down, if there shall have been any Interments or Deposits in any Grave or Vault under the Site of such Church"). The object of this Amendment was similar to that of the clause which was inserted by the House of Commons in the Act which was now expiring.

THE BISHOP OF LONDON said, he should certainly be the last man to consent to any desecration either of churches or churchyards; but the object of the clause was simply to do that which had been already authorized by numerous other Acts both public and private. Some of these Acts had authorized the sale not of the sites of the churches only but of the churchyards. By the 19th *Charles* II., which was an Act for the re-building of the City of London after the Fire, and the 22nd *Charles* II., the same power was reserved; and by the 1st *Will.* IV. the Corporation of the City of London were empowered to dispose of the burial ground of St. Olave's, Southwark, and to remove the bodies. That was under the London Bridge Approaches Act. There were several other instances in which the Corporation of the City of London had been empowered to take down churches and to dispose of the site and of the burial grounds. It was by no means the intention of the framers of this Bill to put up these churches for sale by auction, or to look merely to raising money by the sale of them. The Bill, as it stood, would simply rest in very responsible persons the discretion of determining when the power given by Parliament should be exercised. Public opinion had much changed in this matter, it being seen that there was no real danger of the desecration of churches or churchyards under such guarded provisions as those under discussion. He was, therefore, disposed to adhere to the clause in its present shape. If the House of Commons should think fit to introduce an Amendment like that now proposed by the noble Lord, it would be competent for them to do so when the Bill went before them.

THE EARL OF ELLENBOROUGH ob-

jected altogether to ecclesiastical precedents drawn from the days of Charles II., and with respect to the other precedents referred to by the right rev. Prelate there was probably none that did not involve advantages to the Corporation of the City of London. Now a distinguished statesman had once recommended to him never to have anything to do with the City Corporation, for that they were the greatest jobbers he ever knew in the whole course of his political life. Bearing in mind everything that fell from that excellent person, he objected to act on precedents derived from the Corporation of the City of London. The right rev. Prelate said that public opinion had changed in respect to interments of the dead — but respect for the dead was an instinct of human nature that could never be forgotten, and he thought it was far better for them to do what they knew and felt to be right than leave it to the House of Commons to tell them they had done wrong.

THE EARL OF MALMESBURY supported the Amendment, alluding to an observation once made by Captain Cook, the great navigator, who had remarked that he found no more certain test of the comparative civilization and degree of mental culture attained by the wild tribes he had visited, than the degree of respect which they paid to the place where the remains of their dead were deposited.

THE EARL OF HARROWBY said, that the principle of the clause had been frequently acted upon from the time of Charles II. to the present reign for purposes of local improvement; and surely it was not to be objected to when the object was to provide means of religious instruction to thousands who would otherwise be left spiritually destitute. Care would, no doubt, in every case be taken that no violence was done to decency and that reverence for the dead which they all wished to cultivate. If the Amendment were adopted the mere fact of a single leaden coffin lurking in some corner of an old wall would prevent the sale of an ecclesiastical site, which it was most desirable to dispose of for the religious training of thousands of the living. He trusted their Lordships would not deprive the Bill of this beneficial clause.

LORD CRANWORTH observed, that the effect of the Amendment moved by the noble Earl opposite would be that no title to any church could be made out without an objection being taken by the conveyancer, that it was necessary to establish that there never had been a corpse buried under any part of the church.

EARL STANHOPE thought the words proposed to be introduced would go much further than his noble Friend (the Earl of Powis) intended, and would extend to cases where, from the lapse of time there were no vestiges of mortal remains, but where, it appeared from ancient records interments had once taken place.

THE EARL OF POWIS said, that the plea for disposing of the sites of these churches in order to obtain the means of providing religious instruction elsewhere, would justify the sale of all churches and churchyards. There were two classes of churches in the City, some built merely for congregational purposes, and others for burials besides. The distinction to be recognized was, that where the churches were erected merely as places of worship, the consecration was confined to the fabric, but where interments took place the ground was consecrated as well as the fabric. His Amendment, in fact, only asked them to continue a principle in legislation they had adopted five years ago.

LORD STANLEY OF ALDERLEY said, that, on the contrary, by passing the Bill, including this clause, in the form in which it was proposed by the right rev. Prelate, they would only be acting in conformity with what had been done by Parliament on former occasions, and conferring a great benefit on future generations.

THE BISHOP OF WINCHESTER hoped their Lordships would not adopt the Amendment, which would, in fact, make the Bill wholly inoperative. It was not likely that the Bishop of the diocese and the Archbishop of the province, with the Secretary of State for the Home Department, whose sanction was required before the remains of the dead could be removed or the graves and vaults disturbed, would sanction any "desecration." Surely this provision was a sufficient guarantee against improper proceedings.

THE EARL OF CARNARVON cited a Report made by the Inspectors of Graveyards upon this subject, in answer to a communication which had been addressed to them by the Home Secretary. They noticed the great differences which existed between some of the churches in London and others; but the general tenor of their Report was far more against the removal of the remains therein deposited than in favour of it. Their Lordships should be

very careful about assenting to a scheme on which these gentlemen expressed so qualified an opinion.

THE BISHOP OF LONDON believed the noble Earl was referring only to the first part of the Inspector's Report, and not the second. At the end of their Report they recommended that nothing should be done without the sanction of the Secretary of State, and that provision was embodied in the Bill. It had been stated that some churches were built only for congregational purposes, and others for burials as well; but he believed that scarcely a single church could be found in the City of London under which interments had not taken place; so that if the noble Earl's Amendment were adopted not a single church could, under any circumstances, be disposed of.

THE DUKE OF MARLBOROUGH suggested that some provision should be made, by which the parishioners themselves might be consulted, and their opinion taken as to what should be done with the church.

THE BISHOP OF LONDON pointed out that, by the 7th and 8th clauses of his Bill, the vestry would have the power of objecting, and then the matter would have to go first before the Ecclesiastical Commissioners and then to the Privy Council.

Amendment negatived: Clause *agreed to.*

Clause 16 *agreed to.*

Clause 17 (Bishop may allow additional Church left standing to be used for certain services).

EARL NELSON observed that this clause gave power to the Bishop of London to give the use of these churches to any congregation of Foreign Protestants. He would not object to this for the performance of the Church Service in the Welsh or any foreign language; but it would be placing a Bishop of the Church of England in rather an invidious position to call on him to decide to what other foreign denomination he would grant the use of the Church.

LORD TAUNTON said, he hoped the proposal embodied in the clause would obtain the consent of the House: for it was quite in accordance with the spirit of the Church of England to hold out the hand of fellowship to the Protestants of Foreign nations. He remembered seeing in Canterbury Cathedral some French inscriptions, and the explanation of their being there was, the Archbishop of a former time had allowed a congregation of French Protestant refugees to assemble for worship in the Metropolitan Church of England, and to put up there some texts of Scripture in their own language, that they might not feel too much like strangers in the land to which persecution for their faith had driven them. He believed the present Bishop of London had acted in the same spirit, in admitting this recognition of that brotherhood which the Church of England claimed with Protestants throughout Europe; and he (Lord Taunton) feeling warmly on this subject, as from his connections he might be expected to do, did not love the Church of England the less, because he regarded her as a bulwark of Protestantism in the world. As a suggested consequence of assenting to this proposal, that members of the Mormon or similar persuasions would be admitted to hold their services in those churches, he (Lord Taunton) could not believe that the time was likely to come when the discretion of using his authority in such a case might not safely be left in the hands of the Prelate occupying for the time being the Bishopric of London.

THE EARL OF CARNARVON said, that such an expression of feeling came very gracefully from the noble Lord, considering his family traditions; and he agreed with the noble Lord, so far as the question related to the maintenance of the great principles of Protestantism; but the wording of the clause was very loose and vague.

THE EARL OF SHAFTESBURY hoped the right rev. Prelate would not abate one jot of this clause, which, in his opinion, was greatly in favour of true religious freedom. If the right rev. Prelate withdrew the clause he would cause disappointment to thousands and tens of thousands of Protestants in the kingdom. From the earliest days of the Reformation it had ever been the desire of the heads of the Anglican Church to cultivate friendly relations with the Protestants of the Continent, as was shown by the fact that in the days of Archbishop Cranmer, Martin Bucer and Peter Martyr were appointed Professors at Oxford. In the days of Elizabeth, Archbishop Usher wrote and spoke in the same spirit; and in our own days the late Archbishop Howley was in favour of a continuance of the same friendly intercourse. [The noble Lord read a passage from the late Prelate's writings to that effect].

THE EARL OF ELLENBOROUGH said, that if the late Archbishop Howley would have supported, as it appeared from the quotation he would have supported the

clause, it was impossible for him to oppose it; for in his mind the late Archbishop Howley approached as near to the perfection of the Christian character as any man could be expected to arrive.

Clause *agreed to.*

Clauses 18 to 27 *agreed to.*

Clause 28 (Property to be sold to vest in Ecclesiastical Commissioners).

EARL NELSON strongly urged that instead of pulling down the churches they should pull down the pews, and leave the whole of the sittings free and unappropriated.

THE BISHOP OF LONDON said, there was an old principle observed in parish churches for certain seats to be appropriated to persons resident in the parish; and he thought that it would give dissatisfaction to the parishioners if they were not to have seats set apart for them.

THE EARL OF ELLENBOROUGH asked whether under this Section there would be any possibility of pulling down St. George's-in-the-East?

Clause *agreed to.*

Remaining Clauses *agreed to.*

The Report of the Amendments to be received on *Monday, the 4th of June* next.

THE LORD LIEUTENANCY OF THE COUNTY OF LONDONDERRY.

THE EARL OF BELMORE rose to draw the attention of the House to the appointment of Mr. Lyle, the Receiver Master in Chancery in Ireland, to the Office of Lieutenant of the County and City of Londonderry; and to ask Her Majesty's Government for some Explanations with regard to that Appointment. The noble Earl said that the office of Lord Lieutenant of a county in Ireland was created by an Act which was passed in 1831. In the discussions which took place on the passage of the Bill through Parliament, it was admitted that the persons chosen for the office should be persons of the highest rank and character resident in the counties to which they were respectively appointed. In the House of Lords, on the question of going into Committee on the Bill, Earl Grey (who followed the Duke of Wellington) said—

"With respect to the qualifications of those persons, no doubt they should be of high character and rank, and above all, as suggested by the noble Duke, residents in the county."

In the House of Commons, Mr. O'Connell opposed the Bill, and said—

"He no more doubted than he doubted of his existence, that the measure would create discontent and heart-burnings throughout Ireland."

Mr. Stanley (then Chief Secretary for Ireland) replied to the objections of Mr. O'Connell, and, in the course of his speech, said,

"Generally there would be no difficulty in finding a person whose high standing and weight in the county, would point him out as a fit person to be entrusted with the responsibility of this office."

And Lord Althorp said—

"One great advantage of the introduction of such a system as this into Ireland was, that they would have persons of rank, station, and respectability in the several counties there, whom they could make responsible for the recommendation of magistrates in their respective counties, and who would take care that none but proper persons would be selected to fill that office."

The duties of a Lord Lieutenant of a county were to recommend persons for the Commission of the Peace to the Lord Chancellor, to appoint the colonels (and now all the officers) to the Militia of the county, and as *Custos Rotulorum* to appoint to the lucrative office of Clerk of the Peace. About two months ago a vacancy occurred in the Lord Lieutenancy of the County of Londonderry by the death of Sir Robert Ferguson. The appointment was given to Mr. Lyle, a Master in Chancery, a gentleman, he admitted, of the very highest character, but who certainly did not fulfil the conditions which he had stated: whereas there were resident within the county two Peers, and several gentlemen of wealth and the highest social position. He had no objection of a personal kind to make to Mr. Lyle, of whose private character and of whose efficiency as an officer of the Irish Court of Chancery he had heard many people speak in terms of the highest commendation. But there were many grounds for questioning the propriety of his nomination to the position of Lord Lieutenant. How was it possible that a gentleman who was bound to attend every day in the Irish Court of Chancery, could properly perform the duties of Lord Lieutenant of a county which was one of the most remote in all Ireland from the Irish capital? Again, a Lord Lieutenant recommended gentlemen to the Lord Chancellor for appointments to the Commission of the Peace; and in that capacity he was supposed to offer a check against the introduction by the Chancellor of unfit persons into the magistracy; but a Master in Chancery could hardly be expected to control in any way the action of a great public functionary in whose

Court he filled a subaltern office. Was it, he asked, constitutional that the Crown should appoint one of its own officers to be the head of the unpaid magistracy of the county. Another fair objection to the appointment was the smallness of Mr. Lyle's property. All that he (the Earl of Belmore) could learn upon that point was that Mr. Lyle was the owner of a very nice model farm in the county of Londonderry, and that he had property there of the value of about £1,000 a year. He was informed that when that gentleman announced himself to the grand jury of Londonderry as their Lord Lieutenant, that statement was received by everybody present, with the exception of one person, in solemn silence. Of course, he admitted that where there were several persons equally well qualified to fill the office, the noble Earl (the Earl of Carlisle) had a perfect right to appoint one who agreed with him in political matters, rather than an opponent; but he hoped that if he (the noble Earl) had determined, when he could not find a person in any particular county, who entirely agreed with him, to seek for a Lieutenant from amongst the class of small proprietors, he would re-consider the matter, as he (the Earl of Belmore) knew that very often a Lieutenant so chosen would be overwhelmed with solicitations to make the most improper appointments, both to the magistracy, and to the Militia. There was another point to which he wished to refer. The other House of Parliament had a Standing Order which declared that any Lord Lieutenant of a county using the influence of his office to secure the return of a particular Member to that House would be guilty of a breach of their privileges. Now, it was stated that Mr. Lyle, within a day or two after his appointment, had taken an active part in a recent election for the city of Londonderry, and although it might be urged that he had only done so in his private capacity, it appeared to him (the Earl of Belmore) that he would have done better to abstain from any interference in such a political contest. These were circumstances which, in his opinion, called for explanation, and he hoped that explanation would be given on the part of the Government.

THE EARL OF CARLISLE : My Lords, I have to express my acknowledgments to the noble Earl on two accounts—first, for having treated this matter with good taste and temper, and secondly, for having brought it forward when I had an opportunity of being here present, and offering such an explanation as I may deem proper. It has been stated, though not by the noble Earl, that in the appointment of Mr. Lyle to the office of Lord Lieutenant of Londonderry, I acted very much under the inspiration of others. I mention this because, though I hope I am not indisposed on all due occasions to act in full concert with my colleagues, whether in England or in Ireland, I should be sorry to lose any of the direct responsibility of this appointment, inasmuch as I think it, for the reasons I am about to state, a remarkably good one. I shall begin by admitting that Mr. Lyle does not possess those attributes of large fortune, or of very high birth and lineage, which may, perhaps, be properly looked for, and which I will not dispute with the noble Earl are generally looked for, in these appointments. However, as many of your Lordships are aware, the county of Londonderry is very peculiarly circumstanced in this respect. A very large proportion of the county is in the hands of the great London Companies, comprised under the general designation of the "Irish Society." The area of the whole county consists of 518,000 acres. The properties held in fee by individual proprietors amount to 87,000 acres only, and the remainder—that is, about four-fifths of the county—is in the possession of the great London Companies. So that, really, if you were to look only to territorial possessions and influence, the Governors of the Irish Society or the Lord Mayor of London would be the most appropriate persons to appoint as Lord Lieutenants of the county. But the noble Earl has referred to certain individual proprietors connected by property with the county. He has stated that there are two Peers either of whom I might have selected for the office. One is the Marquess of Waterford. Now, I presume the noble Earl would hardly recommend me to place the office of Lord Lieutenant, who has the supervision of the magistracy and the Militia, in the hands of a Peer who is himself in Holy orders. I hold, moreover, the primary qualification for the office of Lord Lieutenant to be that of residing in the county ; and it is well known that the noble Marquess referred to not only never resides in Londonderry, but resides in the county of Ireland the most remote from Londonderry. The other Peer is Lord Garvagh, who does not at present possess any property in the

county; the estates belong to his mother. But I admit at once that if I had thought it fitting to have recourse to persons differing in political opinion from the Government with which it is my pride and pleasure to be connected, I might have found one or two persons, but scarcely more, whose stake in the county exceeds that of Mr. Lyle. I might have selected Lord Garvagh or Sir Harvey Bruce; but I think it due to those who concur in political opinion with Her Majesty's Government, whenever I have to assign stations of honour and distinction, unless there is some strong reason to the contrary, to give the preference to those who entertain the opinions and support the principles to which I myself owe the position I hold, and the power I possess of dealing with such matters at all. Such, I am sure, has been the general practice in this country, and it was the intention, as the noble Earl rightly stated, of those who brought forward the measure creating the office of Lord Lieutenant of a county in Ireland, to introduce the English system, and to follow the English precedent. In this country, under all Governments, the course has been followed of giving the preference in these cases to persons coinciding in political opinion with the Government of the day. I may cite two very remarkable instances which occurred in my own time, one under a Conservative, the other under a Liberal Government. There was a vacancy in the office of Lord Lieutenant for the county of Bedford. I need not tell your Lordships of the great extent of property possessed by the Duke of Bedford in that county. But the Government of Lord Liverpool, upon that vacancy occurring, did not give the Lord Lieutenancy to the Duke of Bedford, but gave it to Earl de Grey, who at that time did not possess one single acre within the county. The other case, which occcurred under a Liberal Government, was a much stronger one. There was a vacancy in the county palatine of Lancaster. That office had been immemorially held by the family of the noble Earl who usually sits opposite, who was the last Prime Minister, who owns the largest estates in that county, and who, I have no scruple in saying, is by his position, by his public services, by his genius, and by his personal worth, one of the most eminent subjects, if not the most eminent subject, of the Queen. Still the Lord Lieutenancy of Lancashire became four times vacant, and four times it was given by different Governments not to the Earl of Derby, but to other persons, who however eminent, as to position, family connexions, and public eminence, could in no way compete with that noble Earl. I say that a much stronger argument might have been raised against the omission of the noble Earl in those instances than against the overlooking of any person in the county of Londonderry in the present case. The noble Earl has alluded to Mr. Lyle's property, which for the sake of his argument, he a little understated. I know from the best authority that Mr. Lyle has an estate in fee simple producing £1,300 a year, exclusive of his house and demesne containing 300 acres, and well worth £400 a year; he has also leasehold property worth £94 per annum, making a total of £1,800 a year. This is certainly not a magnificent estate; but I am within the truth in saying that it is of greater value than the estate which was possessed by the late lieutenant of the county, Sir Robert Ferguson, who performed the duties of his office with the utmost efficiency, and was held in universal respect and honour. It may be some consolation to Mr. Lyle under the unmerited, and, I think, ungenerous attacks which have been made upon him, to know that just the same taunts and imputations were levelled against the appointment of Sir Robert Ferguson. I might quote what was said at the time of that gentleman's appointment; but I am sure that those who made the attacks lived to see that Sir Robert Ferguson was a most excellent lieutenant, and I have little doubt that the same correction of hostile opinions will occur in the case of Mr. Lyle. Now, with respect to the personal qualities of Mr. Lyle—to those which, after all, constitute the real man, and which qualify him for the duties which he has to discharge, and the part which he has to play in life—I can only say that I would answer for him as I would for the most honoured of your Lordships. It was my lot—for my experience of Ireland has now been rather a long one—to recommend Mr. Lyle for the first legal office which he held. He has, since then, under different Governments with which I had no connection, risen gradually higher. He first became Deputy, and then Chief Remembrancer, an office held by the late right hon. Anthony Blake, whose reputation must be well known to many of your Lordships; and on that office being abolished he was made First Master in Chancery. I do not imagine that the

duties which he has to discharge as a Master in Chancery in any way disqualify him for the performance of those which will pertain to him as Lieutenant of the county. If there should be any incompatibility between the two sets of duties, it will not be of long continuance, because it has long been notorious in Ireland that Mr. Lyle intends within a very short time to retire, as he is enabled to do by the Acts constituting the different Courts to which he had been an officer, from discharging the active duties of his profession. He has for fifteen years been a deputy lieutenant of the county of which he is now made Lieutenant; he has regularly attended the grand juries; he is intimately acquainted with the business, with the gentry, and with the interests of the county in which he resides. He has already been in the habit of living in the county of Londonderry. The noble Earl (the Earl of Belmore) asks how he can perform the duties of lieutenant of that county when he has to spend part of the year in his office in Dublin?—but I will at least make bold to say that he resides in his county much more than many of the noble Lords and Gentlemen, some of whom have seats in Parliament, and others hold offices under the Crown, who act as lieutenants for other counties in Ireland and England. He already resides there a great deal, and it is his intention to do so to a still greater extent. As to his still more personal qualities, I know him to be judicious, discreet, sensible, unblemished in character, and in the whole course of his life; in short, he is made of just the stuff to fit him to be a good lieutenant, and to enable him adequately to perform the duties of that office. Really, if I had not been specially called upon to do so, I should feel ashamed of detaining your Lordships so long by making excuses—that is not the word I ought to use, but by giving reasons—for the appointment of such a man, because he does not possess all the mere external attributes of fortune and position of which many far less really qualified than he is can boast. Having thought it right to say this much for Mr. Lyle, I am glad that at least in this place no insinuations have been hazarded that this appointment was made from sordid motives, to secure his retirement from his office in order that the Government might bestow it upon another. Had such insinuations been made, I should have been able to show your Lordships how exactly the reverse of the truth they were. I have thought it due to Mr. Lyle to say thus much, and I am sure that every succeeding year that passes over our heads will prove the propriety of his appointment. For myself, my Lords, I have only to add one or two very short sentences. I perceive that some censures have lately been passed upon my conduct—that, in short, charges of general mischief-making and personal corruption have been made against me. I do not forget how gracefully and how generously I was defended, and have only to say, with regard to them, that I have now been for a very long time, I believe for thirty-five years, before the public in one or the other House of Parliament. I have served large constituencies; I have been connected with the actual Government of Ireland for above ten years. No doubt shortcomings and errors in judgment might be plentifully alleged against me; but with respect to personal probity and integrity, if my conduct requires any defence, it is not worth defending.

THE BISHOP OF DERRY said, he would trespass on their Lordships but for a few moments, to express to them his sense of the great respectability and high character of his Friend Mr. Acheson Lyle. Since he had been translated from the diocese of Limerick to that of Derry every day's acquaintance with this gentleman had increased his appreciation of his merits. He might be allowed to say that he felt perfectly assured Mr. Lyle would discharge the high duties of his office with honour to himself and with advantage to the county, which he certainly would adorn.

THE EARL OF LEITRIM said, he had listened with some surprise at what the noble Earl (the Earl of Carlisle) had said in defence of the appointment. It appeared that he relied upon and brought forward the Earl of Derby's case as a parallel, and he mixed up his defence with expressions of pride and personal gratification at being connected with a "Liberal Government." Liberal! Why, what was this liberality? What was the liberal conduct of the Government? And what was the liberal conduct of the noble Earl? Was it to be said that no matter how great the services that had been rendered to the country by one of rank and position, no matter how meritorious those services, or how eminent the individual, he was to be set aside and overlooked in favour of a man who was called a "Liberal?" although inferior in point of position, inferior in every respect to the individual so set aside. Having performed

The Earl of Carlisle

no service for his country, but because he called himself a Liberal, he was to have a preference and be placed in a more prominent position than the person whose services were so exemplary. Were those the "liberal" sentiments of Her Majesty's Government? He should call this the reverse of "liberality;" indeed he should say this was "bigotry in politics." Was it to be understood that no situation, great or small, was to be given to any person who did not support the existing Government? That henceforth no favour or honour was to be bestowed on any person who would not go in every respect along with the noble and liberal Earl? It might be the noble Earl's pride, as he had said, to belong to the present Government—but what were the opinions of Her Majesty's Government? What were his principles? It appeared to him that they had no principles—nobody could fathom them:—at all events they held one set of principles in Ireland, and another in England. They had a Janus head. In England they upheld a Protestant form of Government; in Ireland a Popish form. The British Government was Protestant in form and expression. The noble Earl (the Earl of Carlisle) was just the reverse. He was not satisfied with appointing Roman Catholics to every office great and small, to the exclusion of all Protestants, but he appointed Ultramontanists, or, as they were called in Ireland, Papists. Under the mask of liberality the noble Earl sought to establish a despotism of the very worst kind. The noble Earl said that his character was not worth defending. But the country was worth defending, and the question came to this—were they to have the Government of Queen Victoria or that of the Pope? These were the grounds on which he would address their Lordships. ["Hear, hear!"] He rejoiced at those cheers. He trusted the House would lend him their patience, for he would require it. Mr. Lyle's selection for the office of Lord Lieutenant of a county was not an isolated case. The noble Earl had made equally objectionable appointments in the Queen's County, Wexford, Cork and Roscommon. Could the same excuse that had been advanced for the appointment of Mr. Lyle be urged for passing over Lord Clancarty, Lord Clanbrock, Lord Castlemaine, Lord De Freyne, Lord Ffrench, Sir Gilbert King, and other Resident Proprietors of much greater importance than Mr. Tenison. But Mr. Tenison wished to have a seat in the House of Commons. Perhaps the noble Earl would favour their Lordships with his reasons for appointing Mr. Tenison for Roscommon?

THE EARL OF ST. GERMANS was under the impression that the last-named appointment occurred while he was at the head of the Irish Government.

THE EARL OF LEITRIM thought it would not be denied that the noble Earl (the Earl of Carlisle) appointed Mr. Tenison, Lieutenant of Roscommon. Being so appointed, that Gentleman stood as a candidate at the last election for his county. Will the noble Earl deny that, excepting for the purpose of advancing his electioneering prospects, there were not other gentlemen in the county better qualified than Mr. Tenison to fill that important office? but happily the noble Earl failed, in seducing the county of Roscommon to return Mr. Tenison, he lost his election, and having been defeated, he petitioned the House of Commons to unseat his adversary—pending that Petition, and the decision of the House of Commons, it became the duty of the noble Earl to select a gentleman to fill the office of High Sheriff for that county, and in so doing, he thought himself justified in setting aside Mr. Balffe—a gentleman fully qualified to fill that office, and whose name had been approved of by the Judges of Assize, and in consequence of the course taken by the noble Earl, the Lord Lieutenant of Ireland, the following correspondence ensued. The noble Earl was proceeding to read a correspondence with the Irish Government respecting a recent choice of sheriff for the county of Roscommon, when—

THE LORD CHANCELLOR rose to order. The noble Earl's remarks were quite irregular, there being no Motion before the House.

EARL BELMORE said, that he had asked a Question of Her Majesty's Government.

EARL GRANVILLE also interposed. It was usual for their Lordships, although no Motion was before them, to give a hearing, as a matter of courtesy, to any speaker who confined himself to the subject raised by any question that might be put to a Member of the Government. But in this case the noble Earl was assuming to himself a latitude wholly inconsistent with the order and usage of the House.

THE EARL OF LEITRIM said, he wished to be heard while the noble Earl the Lord Lieutenant of Ireland was present to answer him. He had been taunted with bring-

ing forward charges against the noble Earl in his absence; and now he had the noble Earl he thought it convenient to address their Lordships on the subject of his appointments.

VISCOUNT DUNGANNON, as an Irish representative Peer, thought that if the noble Earl had any charge to make against the Irish Government he should put a notice upon the books of the House. It was very unfair to attack the acts of any Government without any Motion or previous intimation.

THE LORD CHANCELLOR said, he hoped the noble Earl would take the advice just given him. Though he sat as Speaker he was sensible that he had no more authority over the debate than any other of their Lordships; but, speaking as a Peer, he could not but express his regret at the irregularity of the noble Earl's proceedings.

THE DUKE OF LEINSTER said, he did not think it necessary to add anything to the testimony of the right rev. Prelate (the Bishop of Derry) as to the character and qualifications of Mr. Lyle. He had no doubt that gentleman would fill the office to which he had been appointed with honour to himself and to the Government.

THE EARL OF LEITRIM, if such was the wish of their Lordships, would for the present postpone the subject; but if he brought it forward again — and bring it forward again he most assuredly would— he hoped the noble Earl, the Lord Lieutenant, would be present to defend his appointments generally.

EARL GRANVILLE: Will the noble Earl forgive me if I express a hope that he will bring forward some appointment in particular?

THE EARL OF LEITRIM: I will bring forward the noble Earl's appointments in general.

House adjourned at a quarter before Nine o'clock, till To-morrow, a Quarter before Four o'clock.

HOUSE OF COMMONS,

Thursday, May 24, 1860.

MINUTES.] PUBLIC BILLS.—1° County Rates and Expenditure; Smithfield Markets, Streets, and Improvements.

2° Sir John Barnard's Act, &c., Repeal; Locomotive; Metropolis Local Management Act Amendment.

The Earl of Leitrim

INDIAN TARIFF.—QUESTION.

MR. GREGSON said, he would beg to ask the Secretary of State for India if the Report be correct that the Tariff value of Cotton Goods on importation into India has been raised from £100 to about £150; and whether the previous Duty of five per cent on £100 is to be raised to 10 per cent on £150, thereby fixing a Duty of 15 per cent in place of 5 per cent; and, secondly, if the Report be correct to ask if this excessive scale of Duties will be sanctioned by the Council of India?

SIR CHARLES WOOD said, he could not take upon himself to answer exactly the questions of his hon. Friend, as he had not himself received any account of the tariff arrangements which had been entered into. He was not, therefore, prepared to say what would be the effect of the changes made on the various descriptions of goods; but he might state generally what had been the course proposed by Mr. Wilson. It appeared that Mr. Wilson had found that there were different rates charged on the admission of manufactured goods into Calcutta, some being charged 5, some 10, and some as high as 20 per cent, and he had thought it right to fix the whole at a uniform rate of 10 per cent, the effect of which would be to lower the rate of duty on some goods and raise it on others. But he (Sir Charles Wood) understood the question of his hon. Friend to refer not so much to the rate of duty as to the valuation, which was in some cases found to be too low and had been raised. He had had the honour to receive a deputation of manufacturers on this subject, who complained a good deal of the effect of the rate of duty as not sufficiently approximating to an *ad valorem* rate. His hon. Friend was of course aware that there existed a long standing controversy as to the comparative merits of fixed rates and *ad valorem* duties. It had been represented to him that there was considerable hardship in the proposed arrangements, and the manufacturers whom he saw had sent him samples of goods, accompanied with a statement showing the inequality of the proposed duties. These samples, with the explanations, had been sent to Calcutta by the first mail which left after they had been received at the India House, with directions that the Indian Government should take such measures as would make the rates bear as fairly as possible on all descriptions of goods, and no doubt that injunction would be complied

with. Indeed, they knew by a telegraphic message that the question was at that time under the consideration of the Government there.

TAX BILLS.—THE PAPER DUTY BILL.

VISCOUNT PALMERSTON: I rise, Sir, to ask the permission of the House to propose the Motion of which I have given notice, as to the appointment of a Committee to search the Lords' Journals. I understand that the usual course is to move for such a Committee even without notice. If the House has no objection, I will move now that a Committee be appointed to search the Lords' Journals with the view of ascertaining what was done by the Lords with reference to the Bill sent up to them for the repeal of the Excise Duties on Paper made in the United Kingdom.

Motion *agreed to.*

Committtee *appointed,*

"To inspect the Journals of the House of Lords with relation to any proceedings upon the Bill to repeal the Duty of Excise on Paper made in the United Kingdom, and to make a Report thereof to the House."—Viscount PALMERSTON, Mr. CHANCELLOR of the EXCHEQUER, Lord JOHN RUSSELL, Sir GEORGE GREY, the Marquess of HARTINGTON, Mr. BYNG, Mr. CRAWFORD, Mr. CLIVE, Mr. LAING, and Mr. BRAND.—To withdraw immediately.—Three to be the quorum.

SLAVE TRADE PAPERS.—QUESTION.

MR. BUXTON said, he wished to ask the Secretary of State for Foreign Affairs, Whether there would be any objection to the Slave Trade Papers of each year being published at an early period of the year following?

LORD JOHN RUSSELL said, that the papers were not received by the Government in sufficient time to enable them to produce them at the commencement of the Session. But there would be no objection to have the information made up to the middle of each year, and laid before the House when Parliament met at the beginning of the following year.

SICILY.—NEAPOLITAN REFUGEES.

QUESTION.

MR. DARBY GRIFFITH rose to ask the Secretary of State for Foreign Affairs, Whether, on or about the 11th of April last, a fugitive from the Neapolitan troops at Palermo, the Cavaliere Luigi Villarosa, applied for refuge to one of the English Ships of War anchored in the harbour, that he was repulsed by the Captain, alleging that his instructions only allowed him to extend his protection to British subjects, and that he was received and protected on board a Russian vessel; and, if so, whether such transaction was previous to the date of the Secretary of State for Foreign Affairs' late Instruction to the Admiralty, and whether the officer in question is now informed of the directions of the Government on the subject?

LORD JOHN RUSSELL said, no such information as the hon. Member referred to had been received at the Foreign Office, and he had made inquiry at the Admiralty and found that no such information had been received there.

SAVINGS BANKS.—QUESTION.

CAPTAIN O'CONNELL said, he wished to ask Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to introduce a Bill for the protection of depositors in Savings Banks this Session; and, if he is aware that there is a sum of money in the hands of the Commissioners for the Reduction of the National Debt to the credit of the Trustees of the late Tralee Savings Bank; and, if so, whether they would take steps to have this money paid to the depositors?

THE CHANCELLOR OF THE EXCHEQUER said, it was no doubt desirable that some legislation should take place for the more effective protection of deposits in the Savings Banks and the interest of depositors, but the state of the public business forbade the Government from entertaining any hopes that it could be passed during the present Session, and therefore they should abstain from introducing it. With regard to the second part of the question, he was quite aware that a sum of money was in the hands of the Commissioners for the Reduction of the National Debt, and credit was given to the Trustees. That sum was in the National Debt Office, and could only be withdrawn legally by the Trustees. The Government had no control over that money and no power of acting, while on the other hand the Trustees had shown no willingness to act. He suggested that an application should be made to them on the subject.

TAX BILLS.—THE PAPER DUTY BILL.

REPORT.

VISCOUNT PALMERSTON brought up the Report of the Committee appointed

to inspect the Journals of the House of Lords with relation to the proceedings on the Paper Duty Repeal Bill. The Report was as follows:—The Committee appointed to inspect the Journals of the House of Lords with relation to any proceedings on the Paper Duty Repeal Bill, have inspected the said Journals accordingly, and found the following entry:—

"Die Lunæ, 21 Maii, 1807. Paper Duty Repeal Bill. Order of the Day for the Second Reading, and for the Lords to be summoned, read, moved that the Bill be now read a second time. Objected to, and an Amendment moved to leave out the word 'now,' and insert the words 'this day six months.' After a long debate on the question that the word 'now' stand part of the Motion, resolved in the negative, Bill to be read a second time that day six months."

Report to lie upon the table.

VISCOUNT PALMERSTON: Sir, I beg to give notice that to-morrow I shall move for the appointment of a Committee to search for precedents with regard to the practice of the House on such questions.

REFRESHMENT-HOUSES AND WINE LICENCES BILL.—CONSIDERATION.

On the Motion of the CHANCELLOR of the EXCHEQUER, it was—

Ordered,

"That the first fifteen Orders of the Day be postponed till after the Order of the Day for the Consideration of the Refreshment Houses and Wine Licences Bill, as amended in the Committee."

Bill as amended, *considered.*

THE CHANCELLOR OF THE EXCHEQUER said, he would move the insertion of a clause, of which he had given notice, the object of which was to place parties applying for wine licences under the same obligation with regard to notice as was at present incumbent upon public-house and beerhouse-keepers.

Clause *agreed to.*

MR. JOHN LOCKE said, he rose to move,

"That, from and after the passing of this Act, section seven of the statute of the fifth and sixth years of William the Fourth, chapter thirty-nine, shall be and the same is hereby repealed."

Great inconvenience had arisen from the operation of the Act in question. Many theatres were carried on more as ginshops than places of public amusement. The magistrates had no power over those places, and the announcement that drinks were to be obtained appeared in the playbills in characters as large as the names of any of the actors. A theatre, of course, was not established for the purpose of selling liquor, but of ministering to the entertainment and improvement of the people.

Clause *brought up*, and read 1°; Motion made and Question proposed, "That the said clause be now read a second time.

SIR GEORGE LEWIS said, he would admit that the law was at present in a very unsatisfactory state. Last year the provision of the Act of Parliament was suspended by a Treasury Minute, which was issued a short time after the passing of the Act. Afterwards the Minute was withdrawn, in his opinion on sufficient grounds, and the provision of the Act put in force. It was certainly desirable that legislation should take place on this subject. Some licence ought to be granted by the magistrates to theatres, or power should be given to the Lord Chamberlain to regulate the sale of liquors in such places. It was contrary to the practice in all countries but our own that spirits and wines should be consumed in theatres. He entertained a doubt, however, whether this question was at all germane to the Bill under consideration, and whether the introduction of such miscellaneous subjects might not be apt to create a difference of opinion between the two Houses of Parliament. He would, therefore, suggest that his hon. and learned Friend should bring in a separate Bill to dispose of this question, and he would undertake, if he did so, to give him the best support he could, provided he concurred in the general provisions of the measure.

MR. SOTHERON ESTCOURT remarked, that the hon. and learned Gentleman who proposed the clause had this excuse, that it had as much connection with the present measure as the provision it was intended to amend had with the Act in which it was inserted. As the right hon. Baronet, however, had promised that a separate measure, on the principle laid down by the hon. and learned Gentleman, would receive the support of the Government, he would recommend the withdrawal of the clause.

MR. EDWIN JAMES said, he hoped the hon. and learned Member would not withdraw the clause. If the somewhat prophetic speech of the right hon. Gentleman should be realized, the clauses introduced by the Chancellor of the Exchequer were much more likely to induce a dif-

ference of opinion between the two Houses. This Bill, under the pretence of being a wine-licensing Bill, repealed the law, and laid down a totally different system of magisterial interference, and was, in fact, a species of compendium of the licensing system.

THE CHANCELLOR OF THE EXCHEQUER said, what his right hon. Friend the Home Secretary laid down was, that the clause was worthy of favourable consideration; and, in order that it might have such consideration, he proposed to give the hon. and learned Member an opportunity of obtaining it. That was the position in which they stood, but if the clause were pressed they should deem it their duty to meet it with a negative.

MR. SPOONER said, under the law, as it now stood, there was no limit to the consumption of spirits in theatres, or to the days and hours on which they were sold. He hoped the right hon. Gentleman, instead of leaving the matter in the hands of a private Member, would bring in a Bill himself.

SIR JOHN SHELLEY suggested that as they were all agreed that something ought to be done, and as it would be very difficult for a private Member to pass such a Bill through in the present Session, it would be very desirable that the Home Secretary should himself introduce a Bill on the subject.

SIR GEORGE LEWIS said, he was, with the consent of the hon. and learned Member for Southwark, quite willing to introduce a Bill to effect the desired object.

MR. JOHN LOCKE said, on that understanding, he would consent to withdraw his Motion.

Motion, by leave, *withdrawn.*

Clause *withdrawn.*

Another Clause (Fee to be paid on application for a Licence to sell Wine to be consumed in a Refreshment House), *brought up*, and read 1°; 2°, and *committed*; *considered* in Committee.

[No Report.]

Another Clause (As to costs of proceedings), *brought up*, and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Motion, by leave, *withdrawn.*

Clause *withdrawn.*

MR. AYRTON said, he rose to move the insertion of a clause prohibiting persons who took out licences under the Bill from selling wine to children under sixteen years of age. It was not the first time that the question had been brought before the House. The Commissioners of Police were so convinced of the evils which arose from inducements to intoxication being held out to children that a clause in its wording, similar to that which he now proposed, had been introduced into the Metropolitan Police Act. At that time, however, the sale of spirits was the only thing which was contemplated, whereas the wine containing 40 per cent of spirits which was now spoken of would be fully as intoxicating in its effects as the diluted gin sold in public-houses. The desire of filling the coffers of the Government should not be suffered to operate as a motive for inducing young persons to drink wine, and he believed that the cause of morality and sobriety would be promoted by the course which he had suggested. The hon. Member concluded by moving the insertion of the following clause:—

"Every person licensed to deal in Wines who shall knowingly supply wine to any boy or girl apparently under the age of sixteen years, to be drunk upon the premises, shall be liable to a penalty of not more than 20*s.*; and upon conviction of a second offence shall be liable to a penalty of not more than 40*s.*; and upon conviction of a third offence shall be liable to a penalty of not more than £5."

THE CHANCELLOR OF THE EXCHEQUER said, the only objection he felt with regard to the clause was as to the difficulty of carrying it into effective operation. But as a similar clause was contained in the Metropolitan Police Act he should not object to its introduction into the Bill.

Clause *brought up* and read 1° and 2°.

House in Committee.

SIR GEORGE LEWIS said, he wished to point out that the clause of the Metropolitan Police Act was not co-extensive with that proposed by the hon. Member, inasmuch as its operation was confined to the Metropolis. In boroughs throughout the country the sale of spirits was regulated by municipal bye-laws, which could equally be applied to wine and sold under the new system.

MR. AYRTON said, he did not think it fair to the municipal towns that they should be called on to revise their bye-laws because a new Act had been passed by the Legislature. In manufacturing localities there was quite as great a necessity as in the Metropolis to impose restraints on young girls and boys. They began to earn wages at a very early age, and there was reason to fear that the money was dis-

sipated in the worst practices. There was no necessity for increasing the facilities they at present enjoyed, and he therefore could not consent to the proposed limitation.

MR. HENLEY said, he wished to know with what operation the Act would be attended in the case of children going with their parents into a refreshment shop; or if the hon. Member for Greenwich, for instance, entered a confectioner's with a young lady of sixteen who wished to have a glass of wine. Was it intended that under no circumstances a person under age should obtain a glass of wine?

SIR GEORGE LEWIS said, there were reasons why spirits ought not to be sold in the Metropolis to a child to be consumed on the premises, but it was quite a different question whether the rule ought to be made general throughout the country and applied likewise in the case of wines. It would certainly seem hard to punish a shopkeeper for selling wine to a child, even though it might be accompanied by its father. The effect of the clause, if carried, would be that, where no bye-laws to the contrary existed it would not be penal to sell spirits to a child under sixteen, although it would be illegal to sell it a glass of wine.

THE CHANCELLOR OF THE EXCHEQUER said, it was clear the operation of the clause must be confined to the Metropolis; otherwise, in the country a child going into a public-house to get a glass of wine would be refused by the owner on the ground that by supplying it he would become punishable, but he would add, "I can sell you something that will answer your purpose better," and would then sell a glass of gin.

MR. AYRTON said, his only concern lay with the Metropolis, and if the representatives of the country did not desire the benefits derivable from his clause he would not press that portion of it upon the House.

SIR GEORGE LEWIS said, that adhering to the statements which he had previously made, he believed the clause was superfluous, as there was already a provision to the same effect in the Metropolitan Police Act, and that the Bill would be much better without it.

MR. DARBY GRIFFITH said, he hoped the hon. Member would not press his Motion, as in his opinion it would be entirely inoperative.

MR. E. P. BOUVERIE said, he was unable to distinguish the difference in principle between Liverpool and the Metropolis. Legislation, he thought, would be looked on as ridiculous which would prevent a father who might bring a fine boy of fifteen up to town from giving him a glass of wine with his sandwich.

SIR JOHN SHELLEY said, that on the part of the Metropolis, he must disclaim the advantage which the hon. Member (Mr. Ayrton) was anxious to secure for it. The clause referred in no way to the presence of parents or guardians, but made it penal under all circumstances to sell wine to a child under sixteen years of age. If his hon. Friend therefore went to a division he should feel compelled to vote against him.

MR. AYRTON said, he must deny all intention of preventing parents who might think proper to do so from obtaining suitable refreshment for their children. The cases which had been supposed would not arise upon the construction of the clause.

SIR ROBERT BOOTH moved that the Chairman leave the Chair.

Motion *agreed to*. House resumed.

[No Report.]

MR. AYRTON said, he would then move the insertion of the following clause:—

"That it shall be lawful for the owners and ratepayers of any place which, by the provisions of the Local Government Act, 1858, is entitled to adopt that Act, and for the owners and ratepayers of each parish within the Metropolis, as defined by that Act, to determine, in the manner prescribed by the said Act, that the provisions of this Act shall not be adopted within the limits of such place or parish; and thereupon no Licence shall be granted under this Act for or in respect of any house, shop, or premises within the limits of such place or parish."

The object of the clause was to enable the owners of property and the inhabitants of any district to prevent the opening of wine-shops in certain cases. If the Bill were so good as was described the inhabitants of no district would take steps to repress it, but, on the other hand, he thought that they should not be compelled to take any action for its acceptance.

Clause *brought up*, and read 1°.

SIR GEORGE LEWIS said, that the Local Government Act of 1858 was quite different in its object from that which the hon. and learned Gentleman supposed. The object of the Act was to introduce certain local regulations of a municipal character, and was not intended to interfere with the general laws of the country. It could not, therefore, be applied in such a case as the present.

MR. ALDERMAN SALOMONS said, that however nicely it might be concealed, the Amendment was neither more nor less than an attempt to impose the Maine Liquor Law without the authority of Parliament. Such a course would be against all public policy, and he could not suppose that his hon. Friend was serious in proposing the clause.

MR. NEWDEGATE confessed that he sympathised with the views of the hon. Member for the Tower Hamlets as set forth in the clause. Without some such provision the inhabitants of a district who were opposed to the introduction of those houses would be left wholly without a remedy against what they considered to be a great evil. If the hon. Member pressed his clause he should certainly support him.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the hon. Member for the Tower Hamlets would not press the clause. He (the Chancellor of the Exchequer) was certainly not prepared to assent to the introduction of the Maine Liquor Law into this country, particularly in regard to wine-houses, when the houses of licensed victuallers were allowed to go free.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

MR. AYRTON said, he would then propose a further clause:—

"That no Licence to be granted under this Act shall be deemed or taken to confer any right or beneficial interest whatever in any person, so as to interfere with any restrictions being hereafter imposed by Parliament on the sale of Wine."

Clause *brought up*, and read 1°.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

Clause 36.

MR. HOWES moved the addition of words empowering justices and magistrates to order the payment of fees, allowances, and expenses; to be recovered according to the provisions of 11 & 12 *Vict.*, c. 43.

Amendment, after short discussion, *agreed to.*

Bill to be read 3° *To-morrow.*

CIVIL SERVICES.—COMMITTEE.

Order for Committee read.

MR. LAING, in moving that the House resolve itself into a Committee of Supply, said it might be convenient that he should explain the difficulty which had led the Government to ask for a Vote on account for Civil Services, and the extent to which they intended to ask the House to vote money on account. The House was aware that the system of keeping the accounts for the Civil Services was essentially different from that of the army and navy. In the case of the army and navy, where there were only a few large Votes, the Votes were taken for the service of the current financial year and if at the end of the year; there was a balance in hand it must be handed over to the Exchequer, but if there was a deficiency it must be met by a further Vote within the year, power being vested in the Treasury to transfer a surplus from one account to meet a deficiency in another. In the case of the Civil Services, where the Votes were much more numerous and of a more miscellaneous character, that system had never been adopted. In fact, where the Votes extended, as they did last year, to so large a number as 197, it was impossible to adopt such a system, especially as the House never found it perfectly practicable to pass the Votes for Civil Services previous to the close of the financial year, on the 31st of March. Those services had been conducted by having a balance in the case of each particular Vote, for as respected them no power was vested in the Treasury, similar to that which obtained with regard to the naval and military services, of transferring a surplus from one account to make good a deficiency in another; therefore in the case of the Civil Services, when there was a deficiency in any Vote in consequence of circumstances that increased the expenditure after the Vote was taken, recourse must be had to the House for a supplemental Vote, although there might be a surplus in hand on some other Vote, which, however, could not be transferred to meet that particular deficiency. The present was not an exceptional or isolated case. It would have occurred about this time last year if the Votes had not been obtained at an earlier period. The course practically had been to have recourse, when occasion required, to the Vote for civil contingencies; but that Vote had been limited to £100,000, and was not sufficient to meet the deficiency that frequently occurred in carrying out the numerous objects involved in the miscellaneous service. The necessity had arisen during the last five or six years of obtaining either a large sum of money on account, or of taking up and considering the various Votes at an early period of the Session. Last

year the difficulty which then arose from the dissolution was got over by a sum of £1,854,000 being taken in March. In the previous year a sum of £1,952,000 was taken in April; in May, 1857, when the dissolution occurred, there was taken a sum of £1,500,000 on account; in 1856 and 1855, the large sums of £5,194,000 and £4,867,000 were taken also on account. This year it was known to the House that, owing to the state of public business, no money had yet, though they were near the end of May, been obtained for the Civil Service. The consequence was, that the balances of many of these Votes had become exhausted, while in others they were nearly approaching to a state of exhaustion. It became necessary, therefore, either to obtain a Vote on account, or to do that which was objectionable —overdraw particular accounts, and thus intrench on the provisions of the Appropriation Act. He had asked the heads of departments to go carefully over the various Votes, and to ascertain the outside amount that would be required to prevent the overdrawing of accounts, supposing the Session to be protracted to an unusually late period, and the Estimates not voted by the House of Commons till a very late period, as was the case last year. The result of their calculations went to show that a sum of £1,468,000 was required to prevent that course being taken on the supposition that the regular Votes were not passed till the month of August. There were several precedents for taking a large Vote on account in the way now proposed. Some of them he had already mentioned. In 1848, when the Committee on the Estimates was sitting, a Vote was taken on account, as it was not thought desirable to go on with the Estimates till that Committee reported. A similar Committee was now sitting, and therefore what was done in 1848 might so far be taken as a precedent; but the strongest authority for the course now proposed was to be found in the Report of the Committee on public moneys, which recommended that in difficulties similar to the present, a sum should be taken on account for such services as had been sanctioned by Parliament in a previous Session. When a sum was taken under that limitation the control of Parliament was to a great extent preserved, because, one the one hand, no new service would be begun under such a Vote, and on the other hand the Vote for the old services would never be more than was necessary to carry them on for the current quarter. In the Estimate now submitted to the House this principle was strictly acted upon. No Vote for any new service was introduced, and no more was asked than was required to carry on the service for the current quarter. The Government felt that there were considerations in the State of the public business this year which might render the present an expedient time to moot the larger question whether this system should be introduced as a general rule in future. They therefore limited the Vote to such a sum as was absolutely necessary to carry on the public service till after the Whitsun holidays. The Estimate had accordingly been accurately revised with that view, and all that the Government asked from the House was a sum of £400,000, which would be distributed over ten votes. These Votes were, on account of printing and stationery, £30,000; County Courts, £35,000; Irish constabulary, £82,000; Education in Great Britain, £100,000; consuls abroad, £54,000; prisons, &c., £20,000; sundry temporary commissions, £12,000; slave trade, £12,000; civil contingencies, £54,000; Dublin police, £7,000. On a close investigation of the accounts this amount was found to be indispensable in order to prevent the confusion that would arise from overdrawing the accounts during the holidays. He trusted there would be no objection to the House going into Committee of Supply.

MR. AUGUSTUS SMITH said, he very much regretted the Government proposed to take that Vote, as he greatly objected to the system of taking money on account. Complaints had been made in former Sessions that the Estimates were delayed; yet notwithstanding all that had been said as to the propriety of laying the Estimates on the table at an early period of the Session every Government that was in power adhered to the practice of bringing them in late in the Session, so late that it was impossible to give them the attention which they deserved. Her Majesty's Government should recollect that the Estimates were not to be considered as a reason for voting the money required as a matter of course. He should feel it to be his duty to oppose the Motion for going into Committee, and he should take the sense of the House on the subject.

MR. W. WILLIAMS said, he agreed that the Government were taking a most objectionable course, for when a sum was once taken on account any discussion upon

the Vote afterwards was useless. That was quite a new practice, which had only obtained within the last three or four years. A few nights ago the Government obtained a large sum on account for the Army Estimates, and now they asked for another sum on account for the Civil Service Estimates. He thought that as the Government knew at the commencement of the Session what the requirements of the service were, they ought to be prepared to bring forward the Estimates at a period sufficiently early to prevent any such contingency arising as the present. He should support the hon. Gentleman in opposing so objectionable a course as that proposed, although it would, perhaps, be better to do so in Committee. The House ought certainly to express its opinion in respect to so objectionable a practice.

MR. WALPOLE: Sir, I trust that the House will feel it to be its duty to give a strong expression of its opinion on this subject; but whether that expression shall be made on your leaving the chair, or when we get into Committee and know the particular reasons for proposing these Votes on account, I am not able to say. I think we had better go into Committee, but I am alarmed at the grounds put forward by the hon. Secretary to the Treasury for going into Committee of Supply with the view of voting this money on account. This is an entirely new proceeding on the part of the Government. The reasons given by the hon. Gentleman appear to me to be insufficient. The only precedents are two. One of them was made with the knowledge of the House when a great hiatus was likely to occur in the proceedings of the House in consequence of a dissolution. The other occurred when the House determined to take upon itself to examine the Miscellaneous Estimates, and when, therefore, the Government could not with propriety proceed with these Estimates until that examination was over. But what is it we are now asked to do? By the notice of Motion in the Supplementary Estimate recently circulated, the House was led to suppose that the Government was about to ask for not £400,000, but £1,400,000 on account; and I observed particularly that, when the Secretary to the Treasury was pressing this on the consideration of the House, he made out a case, not for voting money on account to meet a particular exigency, but to meet the possibility of the House sitting till August, and not being able to go on with them. This is what alarms me in the novel proceeding of the Government. I think it better not to oppose your leaving the chair, because the Government may have more reasons to give in Committee for voting this money on account; but when we get into Committee, we ought to scrutinize with the greatest minuteness the claims for these Votes on account. The Estimates ought to be proceeded with earlier in the Session, or this House will forfeit a much greater privilege than it is supposed to be about to hazard in another matter, for it is by these Estimates and by going into Committee of Supply alone that this House has an opportunity, before it grants a shilling of the public money, of demanding explanations with reference to all matters where they may be required. Postpone the Estimates and take money on account, and you deprive this House of the opportunity of bringing under the notice of Parliament any grievance that may require its interposition.

LORD HARRY VANE said, he was glad that the right hon. Gentleman (Mr. Walpole) did not intend to support the Motion, which he trusted his hon. Friend would withdraw, against the House going into Committee. It was most desirable that the Estimates should be proceeded with at an earlier period of the Session, and that it should not become the habit of the Government to ask for Votes on account. But the Secretary to the Treasury had limited the amount of the sums he proposed to take on account, and the House would run no risk in voting only what was essential for the public service. The present proposal was so reasonable that he hoped there would be no opposition to it, since the House did not pledge itself to vote the whole of the money of which it was now asked to vote a part.

SIR STAFFORD NORTHCOTE said, he thought that the statement of the hon. Gentleman the Secretary to the Treasury had somewhat changed the position of this question. Since the Notice Paper had been presented the Government had determined to ask only for money on account of ten items, and for £400,000 instead of £1,400,000. But it was a question of principle, and the House ought to know the precise meaning of the alteration that had been made. If the intention was to ask for money on account merely to enable the Government to get over the Whitsuntide holidays, and if it were understood that after the recess the House were to be asked

to consider the Civil Service Estimates, the proposal would be of a moderate character. But if these Votes were proposed merely to enable the Estimates to be postponed until late in the Session, it was not a question of £1,400,000 or of £400,000, but of principle and precedent. Although he should be most reluctant to throw difficulties in the way of the Government, they ought to understand on what principle this money was asked for. His right hon. Friend (Mr. Walpole) had correctly stated that there were only three precedents for voting money on account—the dissolution in 1857, that of last year, and the appointment in 1848 of the Committee to revise the miscellaneous expenditure. Upon the last occasion the Votes were taken on account, in order to enable the House to deal with the Estimates after they got the Report of the Committee. There was, however, this difference, that it was not intended that the Committee which was appointed this year should express any opinion on the Estimates of the year. Their duty was to examine and report upon the Estimates only of the past year. The truth was that in all those three cases the ground on which the Votes were given on account was one, not of convenience, but of principle. When the House of Commons was about to be dissolved it would obviously be very improper for the House to proceed to vote all the details of the expenditure, and commit the country to their views. That was a duty which should be reserved for the new House of Commons which was to be elected. He understood, therefore, that the principle on which the Votes on account were taken in 1857 and 1859 was simply that, as the House was about to be dissolved, it was necessary that the settlement of the expenditure should be left to the following Parliament. Such was not the case at this moment. The hon. Gentleman the Secretary of the Treasury cited the authority of the Committee on Public Moneys for the course proposed; but the report of that Committee was by no means applicable to such a case. That Report recommended that the same principle should be adopted in voting and auditing grants for the civil service as for the army and navy. The grants for the latter services were voted in large sums to be expended during the year, as had been explained by the Secretary to the Treasury. It was suggested that the civil service Votes were taken so late in the year that to adopt the same course with regard to them as with the other Votes would have the effect of involving the Government in difficulties. The Committee, therefore, with reluctance, suggested that Votes should be taken on account, as the only way of getting out of the difficulty. Considerable hesitation was exhibited by the Committee in coming to that decision. The then Chancellor of the Exchequer (Sir G. C. Lewis) submitted a very able paper, which, to a great extent, formed the foundation of the Report, and in which he expressed some doubts as to the possibility of making any alteration in the mode of voting the Miscellaneous Estimates, because there was great difficulty in getting Parliament to pass all the Votes before the 1st of April. The Chairman of the Committee, the right hon. Baronet the Member for Portsmouth (Sir F. Baring), stated his opinion that to vote money on account of the civil service, without specific appropriation, would be open to serious objection, and that to take part Votes for one quarter on each separate head would lead practically to a double discussion. But although, as he had said, that decision was come to with much hesitation, a certain object was to be gained by it. In the present case, however, they were asked to take the same course without attaining any object. In truth, on looking at the circumstances of the case, and considering the course which was proposed, it would be seen that by adopting it the House would be exposed to one of two difficulties—either they must discuss the principle of these Votes now—in which case nothing was gained except that they would have to discuss them over again — or the principle of other Votes, which it was desirable should be discussed, would be withdrawn from consideration. They were told that the proposal now made was very moderate, because they were asked to vote money on only one or two Votes. But some of these Votes were in class 7, which was not before them. That was a very important class, and one in which very large reductions had been promised—reductions to the extent of over £200,000. If it was really necessary for the Government to get money for these two or three services in that class, they ought to have the specific Votes before them, in order that they might discuss them properly. But if they were to give these Votes on account and leave the rest till the end of the Session, the consequence would be that they would be brought before the House at a time when they could not re-

ceive proper consideration. He objected, therefore, to giving these Votes on account in class 7. It was not to the amount, but to the principle involved, that his objection chiefly referred. He was opposed to passing such Votes on account, unless on the distinct understanding that they would have the Estimates before them immediately after Whitsuntide, to be proceeded with in the proper manner.

LORD FERMOY said, he objected on principle to Votes being taken on account, and he did not think that the Secretary to the Treasury had made out a special case for this occasion. A great deal of time had unquestionably been thrown away in the early part of the Session, not without due warning to the Government from himself and others that delay in the introduction of the Reform Bill would lead to a deadlock in the business of the country. It did not matter that the proposition now made was a moderate one. Unless the House of Commons made a stand, and protested against the practice of voting on account, they would find one Government after another announcing that they were pressed for money, and asking for a small sum on account, on the promise that the Estimates would be brought on afterwards. Every hon. Member who had spoken had objected to the principle, but it was of no use objecting to the principle unless something was done to prevent the practice. No one who listened to the speech of the Secretary of the Treasury could resist the conviction that it was not the intention of the Government to bring forward the Estimates before August; and if they were delayed till then, what opportunity would there be for properly discussing them? Another view of the question was, that the Vote of so much money on account was virtually a sort of Vote of Confidence in the Government. Now, the present was a very critical time. An important step would have to be taken by the Government in regard to a matter pending between this House and the other; and, for his own part, he could say that the confidence he would be disposed to place in the Government would depend very much on the nature of the step they took. The country surely could not be so completely short of funds that the Votes of Credit could not be postponed for a week or ten days, by which time the Committee which was to be appointed to-morrow would be enabled to report as to precedents. He would, therefore, press the Government to defer the taking of the Votes on account till at least after Whitsuntide.

MR. DISRAELI: Sir, I have no wish to mix the question now before us with any other. I will confine myself, therefore, to the proposition which the Government have submitted to us. On occasions like the present, notwithstanding the constitutional suspicion with which the House ought to view propositions of this kind, I am myself always inclined to facilitate the course of public business, and to give any Gentlemen who sit on the Treasury bench that fair assistance in conducting the affairs of the House which they have a right to expect from Parliament. It is impossible, however, to assent to this proposition without some consideration. The House should clearly understand the proposition that is made, because I cannot at all agree with the noble Lord the Member for Hastings (Lord H. Vane) in his view. The noble Lord seemed to entertain objections of a very serious character to any course of this kind, provided the demand had been a large one; but as it was, comparatively speaking, so small in relation to that originally asked, and positively speaking, so trifling in itself, he did not see how the House could properly refuse the application. To my mind the small amount of the proposition would rather add to its objectionable character, in case I felt it my duty on the whole to offer no opposition to the plan of the Government. Because, what is the view of the public business given to us by the Secretary of the Treasury? He certainly, as has been observed by the noble Lord who spoke last, and as was generally felt by both sides of the House, conveyed the impression that there was no immediate prospect of the House forming itself into a Committee of Supply to consider the Civil Service Estimates. Well, what will be the position of the House if, a fortnight hence, when this supply is exhausted, a similar proposition, equally small, is made? The House may be occupied at that time with business, supposed to be of great interest and importance, and an appeal may then be equally successful if it is urged as to-night, that surely the House has sufficient confidence in the Government to supply them with funds to carry on the urgent business of the country for another week or fortnight? Therefore, although the application may be small, the precedent may be large; and therefore it is only as a precedent, involving a principle, that the House has really to decide upon the question be-

fore it. I entirely assent to the arguments of my right hon. Friend the Member for the University of Cambridge (Mr. Walpole. I agree with him in all his arguments, and the only part in which I do not agree with him is the conclusion at which he arrives. It appeared to me that every reason urged by my right hon. Friend would have induced him to arrive at a conclusion the reverse to that which he reached; and, so far from thinking that this is not the opportunity upon which the House should come to a decision, whatever that decision may be, I am of opinion that it is upon the question that you, Sir, shall leave the chair that—a principle being involved, and we being called upon to establish a precedent—the House ought to treat the matter frankly and fully, and arrive at their decision upon it. Upon the subject of precedent I need hardly touch, because I think the admission of the Secretary to the Treasury is conclusive. All the precedents which he adduced proved that it was a course which the House adopted only under extraordinary circumstances, such as impending dissolutions of Parliament, changes of Ministry, references to the House itself of the Estimates; and in the present Session none of those extraordinary circumstances exist. I therefore think that we may fairly throw aside all precedents. We are called upon to-night to make a precedent. On the subject of amount it does not appear to me that it is of the slightest consequence whether the application of the Government be for £500,000 or £1,500,000. As far as the Government is concerned it is a question of confidence. I and every Gentleman sitting on these benches are perfectly prepared to give them that confidence, provided there is a clear understanding of the terms upon which that confidence is to be given. If the public service is in such a state that there really are not in the Exchequer funds to carry it on from day to day, I am disposed to come to the assistance of the Government. I will not go out of the way to inquire whether a great deal of time has been wasted. I will not read the list of the meetings of the House to show that, although Parliament was called together in January, a fortnight passed before any business was transacted, or that even on one or two nights the Government did not take advantage of opportunities to go into Committee of Supply. I will not stop to inquire why we have not yet been regularly in Committee of Supply. If the service of the country absolutely requires it, I will not enter into any discussion whether the sum shall be £500,000 or £1,500,000. The condition which I make with the Government, and which I think it right to make, and which I think the House of Commons ought to make, is this,—If we are ready to extend this fair confidence, will they engage that we shall have fair opportunities and legitimate occasions of entering into that criticism and examination of the Estimates of the Government which is our right and privilege? To ask us to enter into an investigation of the Estimates in August, as the Secretary to the Treasury tells us, or even in the month of July, is not a fair constitutional fulfilment of the conditions which, I think, the House in giving its confidence to the Government has a right to demand. That is the real point, and if the noble Lord or the right hon. Gentleman will rise and tell us that it is impossible, for want of Supplies, to carry on the business of the country until next Thursday, when we meet and can, if the Government please, go into Committee of Supply, every one will be perfectly willing to grant that which they require; but we ought to make a constitutional condition. When they ask this unusual assistance from the House, they ought to say: When the holidays are over we will go as early as possible into Committee of Supply, continue to take Supply, and give to the House the legitimate opportunities of investigating the expenditure of the country and of bringing before the consideration of Parliament those grievances which it is the privilege of the House of Commons to bring forward under those circumstances. If Her Majesty's Government frankly tell us that they are prepared to do that, which I conclude a Minister of the Crown cannot hesitate for a moment in doing—if they will enter into a clear engagement that when the holidays are over, next Thursday, we shall go into Committee of Supply, that these Estimates shall be submitted to us, that we shall not be deprived of our constitutional right to examine the Civil Service Estimates, and to see whether in our minds they are of the proper amount and character, and that we shall have the opportunity on those occasions of bringing subjects under consideration which it is usual to bring forward when Estimates are moved, I shall support the proposition of Her Majesty's Government. But if that offer be not accepted—if we are called on to establish a most dangerous precedent,

and to go on through the remainder of the Session voting aids and credits without the advantage of going into Committee of Supply, thereby risking the loss of those privileges which are most valuable, and of which we are most proud, then I shall feel it my duty to support the hon. Gentleman. I only ask the House to remember the position in which it is placed. Certainly two-thirds, if not more, of the usual Session has already passed, and we have scarcely gone into Committee of Supply as far as the exercise of any real control over the expenditure of the country or of the privilege of obtaining redress of grievances is concerned. There is also, from the admission of the Secretary to the Treasury, a prospect that the remaining portion of the Session will also pass without the House having the enjoyment of those advantages. I trust that I have placed the question fairly before the House, and treated it in a constitutional point of view. As I have said, I shall support Her Majesty's Government if they enter into that engagement, but otherwise I shall support the hon. Gentleman who has moved the Amendment.

VISCOUNT PALMERSTON: Sir, it is quite true, as the hon. Gentleman says, that there is a financial necessity for a Vote for these services,—not that the Exchequer is empty, but that we have not yet Parliamentary authority to apply the money; and unless Parliamentary authority is given the services must suffer great inconvenience, and the public interest be seriously prejudiced. That is the simple ground upon which we apply to Parliament for these Votes on account. I cannot admit that an application to Parliament for a Vote on account of Estimates already presented is at all a matter without precedent. It is a matter of almost annual occurrence. Nor do I see any great distinction between these Miscellaneous Estimates and Estimates for the Army and Navy, except that perhaps the latter are more important and present a greater number of subjects upon which it is desirable opinions should be expressed. There is nothing unparliamentary or unconstitutional, when the necessity arises, to ask for Votes on account of the larger services of the army and navy; and I cannot see what Parliamentary or constitutional objection can be raised in principle to a Vote on account of consular establishments, education, or any of these different heads of the Miscellaneous Estimates, which are infinitely less important than those upon which Parliament by practice has acquiesced in the principle of Votes on account. It has been stated that the necessity for Votes of account on these Miscellaneous Estimates does not often occur, and why? Because these Estimates—and here I may appeal to the recollection of hon. Members to bear me out—come on late in the Session, and are frequently not finished till late in July, and the House has usually found nothing in that advanced period of the Session to prevent it giving the necessary attention to the details of these Votes. We are accused of negligence in not having brought these Vstimates sooner before the attention of the House, but I beg to recall to the recollection of hon. Gentlemen that we called Parliament together ten days earlier than usual. We showed no disinclination at all events to meet Parliament at the earliest possible period consistent with the convenience of hon. Members — in fact we were somewhat blamed for having anticipated the usual period for its assembling. Have we, during the period which has elapsed from that time to this, abstained from submitting to Parliament measures of importance and general interest deserving their consideration? Parliament, in fact, has been uninterruptedly occupied by measures of the greatest national importance. I am not at all disposed to cavil at the length of time which the House has thought fit to devote to the consideration of the weighty measures submitted to them—the French Treaty, the Reform Bill, the Budget, and the financial measures springing out of it. They were perfectly justified in discussing them at length, but a great deal of time has, in fact, been occupied by these discussions, and they have so far interfered with the ordinary course of public business in regard to the Estimates, that at this moment we have not been able to give to the Army and Navy Estimates, which generally take precedence of the Miscellaneous Estimates, sufficient time to enable us to complete them. If the Miscellaneous Estimates, therefore, have been postponed to the present time, it is not our fault, but the result of that course which the House of Commons in the performance of its duty has thought fit to adopt with regard to the measures of first-rate importance which were submitted to it, and which deserved all the attention bestowed on them. Blame ought not to be thrown on us for a result which is no fault of ours, but which has arisen from the length of time the House

has, in the discharge of its duty, thought fit to give to important business. The right hon. Gentleman opposite made very light of the observation of my noble Friend, that the objection to this course is diminished in proportion to the diminution of the sum asked for; but I think, even in his own view of the case, that observation had great force. The amount of money to be voted is equivalent in meaning to a certain portion of time, and those who object to these Votes on account to carry on a certain service, on the ground that they place the remainder of the Vote in a certain degree out of the control of Parliament, ought to feel that the diminution of the sum voted on account, as it involves the necessity of an earlier recurrence to Parliament for the remainder of the services, very much removes the objection to this course. The right hon. Gentleman says he is quite willing to agree to this Vote provided the Government will undertake that the details of these Estimates shall be submitted to the House at a time and in a manner which shall enable it to give to them the full and fair consideration which is necessary for the due discharge of its constitutional functions. Undoubtedly that is an undertaking which we are perfectly ready to enter into. Indeed, it seems to me to follow as a matter of course from that power which the House of Commons has over the Government. It is an engagement to which we can scarcely be said to be parties, because the House has the matter entirely in its own hands. The Votes now asked for will enable the Government to carry on the services till about the middle of June, and beyond that time nothing can be done without the sanction of the House. When the right hon. Gentleman, therefore, asks us to enter into such an arrangement, he is rather derogating from the constitutional power of the House, because we are in the hands of the House. No further money can be issued without the authority of the House, and that authority, of course, the House will not continue to give, unless it has an opportunity of entering fully and fairly into a discussion of all the details for which the money is required, and exercising their undoubted right of control.

MR. BENTINCK: It would be more satisfactory if the noble Lord would state in what manner he understands the engagement into which he professes his readiness to enter. When does he propose that we should go into Committee of Supply?

VISCOUNT PALMERSTON: It is perfectly impossible to fix the exact day.

SIR FRANCIS BARING: The hon. Baronet opposite (Sir S. Northcote) referred to some suggestion of mine in reference to the Public Moneys Committee; but the Report of that Committee has, in reality, nothing whatever to do with the point before us. It related exclusively to certain arrangements which were proposed, but which would have necessitated a change in the mode of voting the Estimates, and the question with the Committee was how to get over that difficulty. But the real question before the House is this:—The Government state to the House that they require certain sums for the public service to carry them on till after the holidays, and I confess I am surprised to hear from hon. Gentlemen opposite that their principles are such that they refuse to go into Committee to ascertain whether those moneys are actually required by the Government or not. If the Government were prepared to ask sums which would throw off the consideration of the Estimates to an unreasonable extent, I can understand that sum being cut down in Committee to a proper amount; but, when the Government have stated that the public service requires certain sums to be granted, I would ask hon. Gentlemen opposite whether they will take on themselves the responsibility of refusing to go into Committee for the consideration of the votes asked for.

SIR JOHN PAKINGTON: The right hon. Baronet has misunderstood the feeling which prevails on this side of the House. My right hon. Friend made it perfectly clear that we have no desire to cause any public inconvenience. The speech of the noble Lord was directed entirely to an attempt to draw the House from the fact that the proposal of the Government is intended to establish a precedent, and that one of a very objectionable and dangerous character; and in guarding against that precedent, the language of my right hon. Friend and the general feeling on this side of the House showed that we had no desire to cause any public inconvenience. We have asked the Government to state distinctly whether there will be any injury to the public service by delaying this grant to Thursday evening next, and, if the Government will give us that assurance, we are ready to go into Committee at once; but they ought not to call on us to go into Committee without some assurance of that

sort. If there is any necessity for the grant being made immediately, it is the Government who are to blame for bringing us into that condition. Parliament certainly did meet earlier than usual this year, but for the first fortnight nothing was done. We rose every night at eight or nine o'clock for the first fortnight, and, therefore, we have a right to blame the Government for making this Vote on account necessary, if necessary it be. Without some assurance of the sort, I should object to setting a precedent, for I deny that one already exists. The only way in which we can guard against that precedent being established, is by voting now against the Motion that you, Sir, do leave the chair, unless the Government will promise that they will bring these Estimates before us on Thursday next.

THE NEUTRALITY OF SAVOY.

QUESTION.

MR. KINGLAKE rose, to put the question to the Secretary for Foreign Affairs of which he had given notice—namely, Whether the Swiss Confederation persisted in asking for a Conference relative to the neutral provinces of Savoy, and whether Her Majesty's Government supported the Confederation in making the demand?

LORD JOHN RUSSELL: Up to the present time—and I had a despatch from our Minister in Switzerland this morning—the Swiss Confederation continues to ask for the meeting of a Conference on the subject of the neutralization of part of Savoy. Her Majesty's Government supported that proposal from the first, and unless the Swiss Government themselves abandon or withdraw that demand, we shall continue to support it.

LORD CLARENCE PAGET AND THE MESSRS. GREEN.—QUESTION.

LORD CLARENCE PAGET: I am unwilling to interpose between the House and a division, but having received a letter from an hon. Gentleman opposite informing me that he intended to make a statement affecting me on going into Committee of Supply, I think I may claim from him that he should make the statement with which he has threatened me on the occasion on which he said he desired to make it. I received the following letter this morning:—

Mr. Lygon presents his compliments to Lord Clarence Paget, and has the honour to inform him that it is his intention, on going into Committee of Supply this evening, to call the attention of the House to the reports which are current respecting his connection with the house of Messrs. Green & Co. of Blackwall."

I trust the hon. Gentleman will now fulfil his intention.

MR. LYGON: I am quite in the hands of the House. I can assure the noble Lord that it is not my intention to bring forward this question in a hostile spirit. The question is not one with regard to which it will be necessary for me to detain the House at any length; and, in common with every other Member of the House, I shall rejoice if the noble Lord, as no doubt will be the case, should be enabled to give a satisfactory explanation. I entirely disclaim all hostile feeling towards the noble Lord, and I can assure him he entirely mistakes my object if he supposes that my inquiry is made with any such purpose. But everybody, I am sure, will agree that under the circumstances which have taken place, when contractors have publicly acknowledged that they were the builders of certain gunboats which have suffered very severely from decay, and when it is reported in commercial circles that the Secretary to the Admiralty was a partner in the firm at the period when the gunboats were built—every hon. Member of this House will see that it is for the advantage of the service, of the House of Commons, of the Board of Admiralty, and of the noble Lord himself, that these circumstances should be explained. I, for one, have no doubt that they are capable of a satisfactory elucidation; and so far from the Motion being received by the noble Lord in a manner implying that he regards it as one which is brought forward in an unfriendly spirit, it ought, I think, to be matter of gratification to him to have the opportunity of meeting the reports which are current as to his being largely connected with Messrs. Green and Company. Such a report has gained notoriety, and must, it is evident, be most prejudicial to the public service. It is needless for me to enter into the question of the gunboats or the culpability of contractors. I have simply discharged a public duty of a very painful character. But the importance cannot be overrated of clearing up and setting at rest all misapprehensions which may exist on a matter so vitally affecting the credit of all public servants.

LORD CLARENCE PAGET: I must ask the indulgence of the House, having

already spoken on this question, and very few words, I think, will suffice for the purpose I have in view, which is to clear my character from any imputations which may have been made upon it. The hon. Gentleman opposite I understand to state that he has heard it confidently reported that I am a partner with Messrs. Green of Blackwall?

MR. LYGON: That you were connected with them at the period when the gunboats were built.

LORD CLARENCE PAGET; That I was a partner with them when the gunboats were building. I do not make any complaint of the hon. Gentleman for having called the attention of the House to this subject; on the contrary, I think that he—having been a Member of the department with which I have also the honour of being associated—if he heard any reports of a nature which he considered derogatory to my honour, either as an officer or a Member of this House, was quite right in bringing them forward. If I were disposed to make any complaint it would be that he had not placed the matter on the notice paper, in order that any hon. Member, if he had desired, might have come down to the House to deliver his opinion upon it. I might answer the accusation very much in the same vague way in which it has been made, because the hon. Gentleman brings no proofs, but merely states that he has heard certain reports, and I think I might satisfy the House by giving my word of honour that those Reports are utterly without foundation. But it is always best to be perfectly frank and fair in all matters where the personal honour of individuals is concerned. All thoroughly ingenious stories have some sort of foundation, by which a great deal more may be made of them than they are really worth, and, therefore, in order that there may be no misunderstanding — although I really scruple to take up the time of the House with a matter of this sort—I still think it my duty, holding as I do a very high and honourable position in Her Majesty's Government, to state exactly the circumstances of the case. It is perfectly true that for many years past I have been—alas! a very small, but still a shareholder to some extent in certain ships in the Australian trade. In 1857 my right hon. Friend, now the Secretary of State for India, did me the honour to invite me to take a seat at the Board of Admiralty. I will not quote his letter, because it was in terms rather complimentary to myself, and I wish to confine my observations exactly to the point in issue; and if I read my answer to that communication, at least that part of it which relates to these transactions, it will, I think, be quite sufficient to dispose of this charge. I should state that previously in that same year my right hon. Friend, through his private secretary, Captain Drummond, also an intimate Friend of my own, expressed his desire that in the event of a vacancy taking place I should hold myself in readiness to fill a seat at the Board of Admiralty. I told my Friend, Captain Drummond, that I had great scruples of conscience in the matter; for, although I had nothing whatever to do with shipbuilding, or with any vessels likely to be taken up by contract for the Government, yet, nevertheless, to hold a seat at the Board of Admiralty, and at the same time to retain a connection with shipping concerns, was what I thought would not be fair or proper. This, therefore, was the reply which I wrote to the very flattering letter of my right hon. Friend:—

"Plas Llanfair Oct. 22, 1857.

"Dear Sir Charles,—I hasten to express my obligations for the flattering and friendly communication I have this day received from you, dated the 21st. When during the last Session the subject of my going to the Admiralty was talked over between my friend Captain Drummond and myself, I, from a sense of honour, stated for your information that I could not conscientiously undertake the contract branch, which I believe falls to the Junior Lord, because I have for several years been, and still am, a shareholder in some ships belonging to Messrs. Green, and it would ill become me to open tenders in which they might be offered, for Government service. As to building, I have no connection with him or anybody else, but I should be very loath to discontinue my connection, small as it is, with that eminent firm."

And I concluded by saying, "I have no alternative but to decline your offer." Thus ended this transaction. I was altogether independent of the Board of Admiralty until the present Government was formed, when my noble Friend the First Lord of the Treasury did me the honour to invite me to join that Department. I stated to him exactly as I had stated to my right hon. Friend the Secretary of State for India, that I had been the owner of shares in a few ships, with which, however, I had nothing further to do, any more than one would have by holding shares in a railway, but that as long as I retained them I felt it incumbent on me to decline all connection with the Admiralty. "Well," says the noble Lord,

"have you still those shares in the ships?" To which I replied, "No;" because on the occasion of my bringing forward during the last Session circumstances connected with the building of ships for the navy, to which, as an officer, I felt it my duty conscientiously to call attention, there were—I will not say open accusations—but there were inferences drawn, in certain speeches of hon. Gentlemen on that occasion, to the effect that as I was personally connected with a shipbuilding yard, I was therefore desirous of having ships built by contract there, instead of in the dockyards, and was consequently desirous of running down the dockyards. From that moment I determined that it was impossible for a public man, and particularly for a naval man, who wished to take a part in this House which would be beneficial to the service, to continue longer exposed to such suspicions, and that the sooner I got rid of these shares the better. There and then, —and I am bound to add at considerable loss to myself, for everybody knows that last year shipping was much depressed—I sold my shares. After personally accepting the appointment from the noble Lord, I wrote to him as follows:—

"2, Ennismore Place, S.W., June 16, 1859.

"My dear Lord Palmerston,—In accepting the post of Secretary to the Admiralty, I feel it due, no less to your Lordship than myself, that I should advert to the reasons which principally deterred me from joining your Lordship's Government in 1857. I was then, and have been till lately, a shipowner in the Indian and Australian trade, and while so employed I felt I could not conscientiously fill a post where, questions of personal interest to myself might possibly have to be decided; such as contracts for troopships, transports, &c. Various circumstances having induced me to dispose of my shipping property, I am now perfectly free to accept without scruples of conscience the office your Lordship has been good enough to offer me."

Let me acquit the hon. Gentleman who has introduced this subject of any intention to lower my character in this House; I trust that was not his wish, and I am glad to have had the opportunity of making the statement which I have now done, and to offer my sincere gratitude to the House for the kind reception it has met with.

SIR HUGH CAIRNS: As my hon. Friend beside me (Mr. Lygon) has spoken already, he is not therefore at liberty again to rise. But I hope the House and the noble Lord will allow me to express what I am sure is the feeling at this side of the House, and which I am glad to believe is shared in by the House at large, that if it be the fact—of which I confess I was not before aware—that rumours of the nature alluded to have been current regarding the noble Lord, it is matter of satisfaction that in this place, where alone opportunity can be given to the noble Lord to meet those rumours, the subject should have been brought forward, and we must all rejoice to feel, after the full and frank explanation which he has given, that neither in nor out of this House can any such rumours continue to prevail.

Motion made, and Question put, "That Mr. Speaker do now leave the Chair."

The House *divided*:—Ayes 135; Noes 109: Majority 26.

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee of Supply. Mr. MASSEY in the Chair.

(1). £400,000 on account of certain Civil Services.

Printing and Stationery, £30,000.

County Courts (Treasurer's Salaries and Expenses), £35,000.

Constabulary of Ireland (Pay and Allowances), £82,000.

Public Education (Great Britain), £100,000.

MR. AUGUSTUS SMITH asked whether that sum of £100,000 would include the department of science and art?

MR. LAING explained that the Vote of £100,000 did not include the Vote for science and art, but was merely a payment on account of public education. It would be applied to meet the charges that were running on for public education—for the salaries of schoolmasters and so forth. The total Vote for public education would be £798,000, while last year it was £800,000. They were running into a fifth quarter, and the sum of £100,000 was wanting to keep up the current payments.

MR. BENTINCK said, he understood that the Government merely required a sum on account to take them over the holidays. He should like, then, to know why they asked so large a sum for that purpose as £100,000, when the whole Vote would only amount to £798,000.

MR. LAING said, the Vote for national education was already overdrawn out of the Civil Contingencies, to the extent of £40,000, and heavy payments were to be made in the department before the 10th of June.

Consuls Abroad, £54,000.

Prisons and Convict Establishments at Home, £20,000.

Sundry Commissions (Temporary), £12,000.

MR. WALPOLE said, that this latter was hardly an item to be put into a Vote of credit. At any rate a Vote should only be taken for what was absolutely required at present.

MR. LAING explained that the necessity for the Vote arose from the fact that the amount for the service was overdrawn out of the Civil Contingencies. Under the head of Temporary Commissions, there were extensive Commissions connected with military matters. It was necessary to make provision for the running Commission, and that was done out of the Civil Contingencies; and a sum of £10,700 was required to repay the debt to the Civil Contingencies. The Vote for the Slave Bounties was in a similar position.

SIR STAFFORD NORTHCOTE said, he did not consider the explanation of the hon. Gentleman satisfactory, inasmuch as there was a sum of £50,000 to be asked for on credit for the Civil Contingencies. He thought the whole of the Votes in Class 7 of the Civil Service Estimates required peculiar consideration, and should be discussed in their order. As, however, the whole of the accounts were not before the House that was not then possible. There was a Vote, for instance, for the Serpentine? What was the state of that matter? Last year £17,000 had been voted for a certain plan with reference to the Serpentine; but, after that Vote had been passed, and the works commenced, a Committee of the House was appointed, which reported against the plan. Upon that the Government stopped the works; and, not content with that, they had begun to spend money for a different plan. It might now turn out that, when the House came to the discussion of the matter, they might disagree with the Select Committee, and disapprove of that expenditure of the public money without the sanction of the House. If certain items of that class were agreed to, then, of course, the House would lose the power of checking them afterwards.

COLONEL DUNNE said, he must enter his protest against the enormous sums spent on the Military Commissions, and he wished to call particular attention to the case of the Weedon Military Commission. There had been an enormous sum of no less than £9,000—£8,700 rather was the exact amount—charged for professional accountants employed in the investigation of the accounts of the establishment. The Treasury, he believed, had objected to that large amount, because the Commissioners had had the assistance of the clerks of the Commissariat, and of Mr. Commissary General Adams, an officer in the pay of the State. That £8,700 did not include the military clerks, so that altogether the expenses would come to over £10,000, an expenditure perfectly unjustifiable. He wished to know if the present Vote was to include that sum, and also when there would be an opportunity of discussing that Vote, and also the very singular proceedings that had followed the Report of the Commissioners.

COLONEL DICKSON said, he should wish to put the question whether one of the Commissioners of the Weedon Inquiry was not a police magistrate of London, and whether he did receive an allowance for his services on that occasion, though as he (Colonel Dickson) believed, his duties as a magistrate only occupied his time about six months in the year. He quite concurred in the remark of the hon. and gallant Colonel (Colonel Dunne) that the expenditure was quite unjustifiable, and the House was bound not to throw away the public money in that way without inquiry. Hon. Members opposite were constantly charging Gentlemen on his side of the House with being opposed to anything like Reform, and yet he was astonished to find that those hon. Members on the Liberal side, who were invariably preaching economy in the public finances, went out into the lobby and voted away large sums of money in the lump, and without a murmur. What was the use of talking about economy unless the question was brought to some issue?

MR. HUNT said, he wished to know whether the Berwick Bribery Commission had yet commenced its sittings?

MR. TURNER said, an attack had been made on the Weedon Commission which he thought was altogether unjustifiable. He should, when the proper occasion arrived, be able to justify the conduct of the Commissioners; at present he would leave it to the hon. Gentleman the Secretary to the Treasury to answer the question which had been put to him on this subject. He would only now say that, after the immense labour these Commissioners had undergone, he felt it his duty to protest most strongly against the insinuation that they had been guilty of any unjustifiable act.

COLONEL DUNNE explained that he had used the expression solely with regard to

the expenditure of the Commissioners on Accountants, and he thought he should be able to prove it was so when the subject came fairly before the House.

MR. CHILDERS said, he thought the sums due to the Civil Contingencies ought to be voted separately, otherwise it might be spent along with the rest, and the public would never know anything about it. Votes taken in that manner might be made the means of cloaking over other matters not thought desirable to be brought to light, which was very objectionable. He wished to know when the details of the sums they were then asked to vote would appear under Civil Contingencies.

MR. LAING said, he would beg to say, in reply to the hon. Member for Pomfret (Mr. Childers), that the sums under the Civil Contingencies List would be explained when the full Estimates were submitted to Parliament. As to the unfortunate Weedon Commission, he was willing to admit that there had been a large expenditure with an inadequate result. The present Vote, however, did not touch any part of that sum. It might perhaps include some portion of the expenses, such as the salary of the secretary, and other minor sums, but not the large claim of nearly £9,000 sent in by the accountants, respecting which the Treasury had felt it to be their duty to take legal opinions on the fact whether they were liable to the whole amount. They had not yet got a decided opinion from their solicitor on that point, and while matters were thus pending he could hardly give a distinct answer as to whether those expenses would or would not be included in the Estimates. Of course if they were they would come under class 7, and there would be an opportunity of discussing them. Hon. Members would not be committed by the present Vote. In reply to the hon. Member for Stamford (Sir S. Northcote), he begged to say that, in order to reduce these two Votes to £400,000 he had gone to the lowest point at which it was possible to conduct the public service up to the 12th of June, without fear of overdrawing. That was the only fund that they had to meet claims that might be made during the next two or three weeks. He should think that the result of the Committee now sitting would be to alter the constitution of Class 7 very considerably. As regarded Class 7, he was ready to give a pledge to the Committee that it should be printed at the earliest opportunity.

MR. BENTINCK asked, if he was to understand the hon. Gentleman (Mr. Laing) as giving a pledge that it was not the intention of the Government to draw again on the amount voted for Civil Contingencies for the purpose of preventing the House from duly considering the Civil Service Estimates.

MR. LAING said that, after a very short period, the Government would be entirely in the hands of the House, because they would have no money in hand to enable them to delay taking the Votes in the usual course, but he could not pledge himself not to ask for a further Vote should there be occasion for it.

MR. W. HUNT asked, what were the Election Commissions the expenses of which they were called upon to vote?

MR. LAING said, that there were the Commissions for Gloucester and Wakefield.

MR. W. WILLIAMS said, he considered the system very objectionable of borrowing certain amounts for the Civil Service from Civil Contingencies. He had never been able to understand the application of the money. The details did not appear in the public accounts, and in point of fact the House knew nothing about them.

MR. EDWIN JAMES said, that the Vote was a practical illustration of the objectionable course of asking for Votes of credit, or on account. He confessed he did not know what he was asked to vote £12,000 for. He did not know what any of the Commissions had cost, and when therefore he was asked blindly to vote such a sum of money, he, for one, should enter his protest against it.

COLONEL SYKES said, he, too, thought it extremely inconvenient to be called upon to vote away money without knowing what it was called for, where it was to go, or how it was to be paid away. There was much mystification in the accounts.

COLONEL DICKSON said, it was quite clear that the Government had sufficient money to carry them on beyond June, and if the present Vote were granted, they would not be furnished with details before the end of July.

MR. BENTINCK said, the first duty of the House was to take cognizance of every shilling they voted, and if they gave one shilling on account they virtually abandoned all control over the details. That point, however, it was useless then to dwell upon. He desired now to have it distinctly understood whether, on the arrival of the 10th or 12th of June, there was any chance of

Government declaring that the time had not yet come when the House should have access to the Estimates, and should go into a consideration of the details.

SIR FREDERIC SMITH said, he hoped that some explanation would be given as to the application of the £12,000.

MR. LAING said, the necessity for the Votes arose from the fact that there had been large drafts on the Civil Contingencies for several Commissions, which came on at too late a period to be included in Class 7 of the last year. Of course, those conversant with the accounts must know that Civil Contingencies were the only fund that Government had to meet any miscalculations or mistakes which might have been made in the 197 Votes which were asked for, or any new expenses which might arise during the recess, or during the last few weeks of the sitting of Parliament. A variety of Commissions had originated during the interval, and the amounts had to be drawn from Civil Contingencies. He could assure the Committee that the full details would be brought forward when the complete amount came to be voted. With regard to the remarks of the hon. Member for Norfolk (Mr. Bentinck), he begged to say that the Government had no mysterious funds hoarded up in order to meet emergencies. There were ample funds in the Exchequer, but there was no power of applying them without a specific Vote, and he thought no Secretary of the Treasury, or Member of the Government, was likely to take the responsibility of applying them without the authority of the House. Therefore, by the 10th or 12th of June, or at all events within two or three days more or less of that time, the Government would find themselves in the position of being obliged to come to the House and declare that their authority was exhausted, and that they must either have a further Vote, or else proceed in voting the Estimates in the usual way.

MR. MOWBRAY said, that the House had already voted £40,000 for Civil Contingencies, they were now asked for £12,000, and they would be asked by-and-by for £50,000 more. Thus the Civil Contingencies which they were asked to vote in this way had risen within a few years from £70,000 to about £100,000. The only conclusion he could draw from the Vote before them was, that it was for the payment of sums which had been withdrawn from the Estimates, and which it was now intended to pay out of this money.

Mr. Bentinck

MR. LAING said, if they had only the ordinary demands upon the Civil Contingencies, no doubt the sum of £100,000 would be more than what would be necessary for that department of the public service. But they were now arrived at a period far beyond that at which the Votes were usually obtained. A great many balances were now exhausted; but it was thought to be convenient to the House to reduce the sum required for the present to the lowest amount possible.

MR. WALPOLE said, he thought that the hon. Gentleman the Secretary for the Treasury had dealt frankly and fairly with the Committee. Having listened attentively to all the hon. Gentleman had said, he (Mr. Walpole) was satisfied that the sums asked for were really wanted. The Civil Contingencies Fund was that from which all those small sums must be paid that were not otherwise provided for. The discussion had, however, strongly confirmed the statement of his hon. Friend (Sir S. Northcote) of the great disadvantage of taking Votes on account where the Estimates had not been laid before the House. What had taken place would, he hoped, be considered a warning, not only to the present, but also to all Governments, that the House had acceded to the proposal on the ground of exigency, and that it was not to be repeated without a stronger necessity than had been shown to exist in the present year.

MR. SOTHERON ESTCOURT said, he concurred with his right hon. Friend as to the frankness with which the hon. Secretary for the Treasury had dealt with those Votes. He could only say that if that explanation had been given at an earlier period of the evening he should not have gone out into the lobby against the hon. Secretary's proposition.

Vote *agreed to.*

Bounties on Slaves, £10,000.

Dublin Police, £7,000.

Civil Contingencies, £50,000.

(2) £2,500 Malta Harbour.

LORD CLARENCE PAGET said that the present Vote had become necessary, in consequence of an agreement entered into with the Maltese Government for the construction of certain works in the Harbour of Malta, which would prove most advantageous to the Navy as well as to the Island itself. The reason why this Estimate had not been laid on the Table of the House at an earlier period was, because the Maltese Government had not come to a decision in

regard to it until a short time ago. An outline of the plan of the proposed works had been placed in the hands of Members, in order to enable them to form an accurate opinion of their details. Ever since the Island had belonged to the Crown of England, the limits of Merchant Harbour, and that for the men-of-war, had never been clearly defined. The result was, that the merchant vessels had encroached upon the best part of the harbour; so that the men-of-war sometimes had great difficulty in finding a berth. The great addition in the number of ships frequenting the harbour, and the increase in the size of vessels of war, made it imperative to improve the Harbour of Malta, which was in a most unsatisfactory state; although Malta was our head-quarters for repairs, &c. in the Mediterranean. An engineer on the part of the Admiralty had surveyed the harbour in the company of the engineer selected by the Maltese Government, and they had come to the conclusion that the only plan was to deepen the head of the harbour, which was now a swamp, and to give it up to the merchant vessels, while French Creek, which was safe for vessels of war, would be given up for the navy. It was necessary to bring this vote before the Committee to-night, because the work was to be done at the joint expense of the two Governments; and the parties who owned the land around French Creek were only under contract to wait until the middle of June, when the agreement, unless previously confirmed, became null and void. The total estimated expense of the work was £111,000, but he only proposed to ask to-night for £2,500, in addition to the £2,500 which would be found in the Estimates already before the House.

SIR FREDERIC SMITH said, he quite concurred with the noble Lord in the importance of the plan proposed. It was well known that Malta was the key of our position in the Mediterranean. He should have been pleased if the noble Lord had doubled his demand at present, in order that the works might be carried on as rapidly and efficiently as possible. He wished to know whether the quarantine harbour was to be made available.

ADMIRAL WALCOTT: I fully concur in the value and importance of the proposed works; and regret that the subject did not receive due consideration many years ago, when, I am persuaded, the Government could have procured the land on more advantageous terms. I am rejoiced at the manner in which the noble Lord has so honourably vindicated his reputation and character from the charges which have been insinuated against him. Having enjoyed for several years the acquaintance of the noble Lord, I can testify that his character is above reproach; and he can well afford to treat such rumours and imputations with indignation and contempt.

MR. W. WILLIAMS said, he wanted to know what proportion of the entire amount of £111,000 was to be defrayed by the Colonial Government?

SIR STAFFORD NORTHCOTE said, he saw a sum of £60,000 put down for the purchase of property around the French Creek. That sum, however, was not to be taken immediately, but to be paid in future years. He wished to know how that amount was arrived at, and what security they would have for obtaining the property in question at the sum mentioned?

LORD CLARENCE PAGET said, the contracts had been drawn up with great care. The arrangement was that, as soon as French Creek was deepened, then the property in question was to be paid for and to revert to the Government. As regarded the quarantine harbour, that was not to be made available; inasmuch as it was exposed, and could not be occupied with safety by large ships.

MR. BENTINCK said, he had heard with great pleasure the explanation given by his noble Friend opposite in reply to the charge that had been made against him. The honour of each Member was dear to the House, and they must have all heard the noble Lord's statement with the most unalloyed satisfaction. He (Mr. Bentinck) had certainly listened to it with a double interest, arising from personal friendship towards his noble Friend, whom he had known for many years. He could only say, and he was confident the whole House would confirm it, that no man could have listened to the explanation of his noble Friend without feeling that it removed all doubt—if, indeed, any such doubt existed—as to his noble and gallant Friend having been implicated in any transaction in a way inconsistent with his high character.

MR. PEASE asked if the merchants of Malta were satisfied with the arrangements which had been made.

COLONEL SYKES said, it appeared from the plan of the proposed alterations that it would be necessary to remove an enormous amount of mud. He wished to know what was to become of it—whether it was to be

removed to some other part of the island to create a pestilence, or was it to be carried out to sea.

Lord CLARENCE PAGET said, the merchants of Malta were perfectly satisfied with the arrangements made, which had, in fact, originated from their own Government. An estimate had been framed which was based on the probable cost of conveying the mud clear outside the harbour.

Mr. HENLEY said, he regretted the short notice that had been given of so important a subject coming before the Committee. The sum, though small, pledged Parliament to an expenditure estimated at upwards of £100,000. Experience showed that the limit at first proposed did not always turn out correct. The noble Lord stated that the thing was narrowed down to this—that if the bargain was not concluded by a certain day in June, it would go off. Now, however desirable it was that the proposed works should be carried out, it was impossible for those who had not a personal knowledge of the harbour to give an opinion upon the subject, from the short period the papers in connection with it had been supplied to hon. Members.

Mr. AYRTON said, he wished to know whether the contract with the Maltese Government was, that they were to pay half the expense of this work, no matter what might be the amount, or whether the arrangement as to their contribution of a moiety only extended to the estimate before the House.

Lord CLARENCE PAGET replied, that unless the Admiralty had it under hand and seal of the Maltese Government that they would pay one half the whole expenditure—no matter what that might be—the contract would fall to the ground, and the work would not be undertaken. He concurred with the right hon. Gentleman (Mr. Henley) that it would have been desirable to give the House an earlier intimation of this scheme. At the same time he must observe it was no new thing. The late Government had considered it, and the preparations had been making for several months, but it was only a short time previous that the scheme had arrived at a sufficiently matured state to justify its being placed on the Estimates.

Sir STAFFORD NORTHCOTE asked whether the noble Lord would lay on the table the agreement which had been made with the Maltese Government, and the contract for the purchase of the land that was to cost £60,000.

Lord CLARENCE PAGET said, that as soon as the contract was concluded, he would lay it on the table.

Lord LOVAINE observed, that this plan had been before the late Government. The Admiralty under that Government were fully convinced of the necessity of some such work as that now proposed, but they had not arrived at any accurate calculation as to the expense, for they had not ascertained what would be the cost of the ground. There was, however, no doubt that, if they had remained in office, they would have brought forward some such scheme.

Mr. JOSEPH LOCKE complained that Members should be called upon to vote sums of money upon Estimates which had not received sufficient consideration. The first thing which ought to have been done was to furnish the Committee with the various items of the Estimate, and then to have given hon. Members a chance of seeing whether the sum was proper or not. This was the case of a new work, and there was nothing before them to show whether it was a fit thing to do or not. They ought at least to have had the name of the officer who made the Estimate as a guarantee of its soundness.

Mr. WHITBREAD said, he could assure the hon. Member that the Civil Engineer employed by the Admiralty to prepare the Estimate was a gentleman of much experience, and that the calculations had been made with the greatest care.

Mr. HENLEY said, he thought that as the Government had employed an engineer to measure and calculate the work, it would only have been reasonable to have given a little further time to the House to examine the details, before coming to a decided opinion on the matter. He was afraid the fact that the Admiralty were bargaining against an excess in the Estimate warranted the suspicion that they expected an excess.

Sir FREDERIC SMITH said, that no doubt the engineer had taken the exact measurement, and made a correct calculation, leaving a margin for contingencies or extras.

Sir JOSEPH PAXTON said, that very scanty information was given to the Committee. There was no account of the acreage of the work or the amount of accommodation to the navy. He wished to know whether there were to be any docks for the merchant service, and whether the expense was included?

LORD CLARENCE PAGET said, they expected to get accommodation for six line-of-battle ships and two frigates, but if they grew much larger there would be room for only five line-of-battle ships. As to any new merchant yards, in lieu of those which the Government purchased, the Government would have nothing to do with any buildings on shore. Their business was to deepen the harbour. The purchase of the French Creek, and all the buildings which surrounded it, was included in the Estimate of £60,000.

ADMIRAL WALCOTT inquired whether it was certain that the depth in the new harbour would be sufficient for the larger ships?

LORD CLARENCE PAGET said, that this had been ascertained.

SIR FREDERIC SMITH observed, that there were no soundings given on the map.

MR. WHITBREAD said, that the small map presented to the House had been prepared since the previous evening. The large map from which it had been prepared had on it a great amount of detailed information that had not been copied on the smaller one. As to the objection of the right hon. Gentleman (Mr. Henley), he should observe that the Government would have given more ample notice, but there had been many references from the Admiralty to Malta, and they found by experience that when it became known the Government intended to purchase, the property trebled in value. If the estimate were postponed to a future day, the agreement to sell the property would become void.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow.*

Committtee to sit again *To-morrow.*

WAYS AND MEANS.

Order for Committee read.

House in Committee of Ways and Means.

Mr. MASSEY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER said, he had to propose a Resolution requiring the makers of British wines to take out licences for either making or selling the same wholesale, the amount of which was fixed at half the amount which the venders paid. The right hon. Gentleman moved—

"That, towards raising the Supply granted to Her Majesty there shall be charged and paid the following Duties of Excise, that is to say—For a Licence to be taken out by every maker of any kind of Sweets or Made Wines, or of Mead or Metheglin, for sale or by any dealer who shall sell the same in any quantity amounting to two gallons or upwards, or in one dozen or more reputed quart bottles at one time, *£5 5s.*"

MR. AYRTON thought the right hon. Gentleman was taking effectual means to prevent the public getting good wine at all. As far as he could discover, before dealing in wines a trader would have to pay £19 19*s.* for licences, which was a large tax to impose on a person before he could embark in business. The greatest chance of the public having good wine was in the establishment of many traders who would deal in it wholesale and retail, and he had hoped that the right hon. Gentleman would have proposed one consolidated charge, after payment of which the dealer would be able to sell any quantity, large or small, as long as it was in bottle. With regard to British wine, it was much purer than a great deal of that which came from abroad. The process of manufacture here was, that dried grapes were placed in a vat with water, the juice being pressed out of them and allowed to ferment; and the wine thus produced was consumed in large quantities by people who were above the vulgar prejudice of thinking that that which came from abroad and had a high-sounding name was better than home productions. The whole tendency of the Chancellor of the Exchequer's proposals was to force the sale of wine upon the premises. It was his impression the other evening, on coming out of Committee, that the Chancellor of the Exchequer intended the Bill to extend to British wines. The night after the right hon. Gentleman stated that it was to be confined to the sale of foreign wine. Did the right hon. Gentleman, he would ask, intend, according to promise, to bring in another Bill regulating the sale of British wine to be drunk on the premises? As the case stood Parliament was called upon to alter our municipal law to promote the consumption of a foreign commodity, while it did nothing to extend the consumption of an article made in our own country.

THE CHANCELLOR OF THE EXCHEQUER said, he must really decline to follow the hon. Member into a discussion of the Wine Licences Bill. It might have been supposed that the hon. Gentleman had spoken long enough during the course of this discussion, but he seemed quite in-

satiable. As to the necessity of a new law respecting the consumption of British wine he was not aware that any such necessity existed, nor did he remember to have promised the introduction of any measure on the subject. What he said was that the sale of British wine might be regulated by the existing law. With regard to British wine, which the hon. Member seemed to think was made much more legitimately here from raisins than by expression from the grape in the country of its birth, it was to be remembered that these raisins were imported at a low duty, whereas the foreign wine paid a high rate of duty. The hon. Member, of course, could not be expected to sympathize with the exchequer in such a case; but the two articles contributed to the revenue in very unequal degrees, and this was an element which could not be entirely left out of consideration. A difference was recognised in the amount paid for licences—namely, ten guineas for a wholesale foreign wine, and five guineas for a British wine licence; but he should have no objection to allow persons who paid the higher amount to deal in both kinds of wine.

Mr. BOVILL said, he thought it would be difficult to interpret the expressions "sweets" and "made wines" to be found in the Bill. Would "sweets" include "bitters?" Then a large proportion of port and sherry was manufactured in and about London, elder wine and logwood being prime ingredients in the former concoction. Within a short distance of that House there was a manufactory of champagne from rhubarb. Would those be "made wines" within the meaning of the Resolution?

The CHANCELLOR of the EXCHEQUER said, that the expressions objected to were certainly not to be justified upon abstract grounds, and fell short of the standard of purity which the hon. and learned Member wished to set up in the wording of the Act. But they were in accordance with usage, and would be, he believed, adequate for the purpose. "Sweets," he was informed, was the legal description of British wines, and "made wines" would comprise any of the other miscellaneous compounds sold under the name of wine.

Resolution *agreed to.*

Resolved,

"That, towards raising the Supply granted to Her Majesty, there shall be charged and paid the following Duties of Excise (that is to say):

	£	s.	d.
For a Licence to be taken out by every maker of any kind of Sweets or Made Wines, or of Mead or Metheglin, for sale, or by any dealer who shall sell the same in any quantity amounting to two gallons or upwards, or in one dozen or more reputed quart bottles at one time	5	5	0

House resumed.

Resolution to be reported *To-morrow.*

Committee to sit again *To-morrow.*

SIR JOHN BARNARD'S ACT, &c. REPEAL BILL—SECOND READING.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [19th April], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

Mr. BENTINCK said, he rose to move that the Bill be read a second time that day six months. He believed he might safely say that the distinguished statesman whose name had been so often brought before the House, never contemplated the celebrity which he was to acquire in after times. Strongly as he felt on this question—[*A laugh.*]—That laugh proceeded from some hon. Gentleman who was probably altogether indifferent about the morality of the country. He felt strongly on this question because he thought it was an important one. Hon. Gentlemen would remember that some complications had arisen in the earlier stages of the financial arrangements which suggested the measure, and it was accordingly transferred from the position it occupied in another Act, and made a separate Bill. The Chancellor of the Exchequer and other hon. Members who had advocated the measure had nearly all regarded it in different lights, and he believed all of them had seen it in a wrong light. The Chancellor of the Exchequer, with that power of language which always characterized his remarks, had contrived to a certain extent to mystify the House upon the subject. The right hon. Gentleman had endeavoured to show that the effects of Sir J. Barnard's Act were extremely inconvenient to trade; that they interfered with the business of the City; that the public morality had really no connection with this question, and that therefore the objections to this Bill were totally unfounded. Now, in the first place, if Sir J. Barnard's Act had been so extremely inconvenient to trade, it

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would hardly have been allowed to exist for 130 years. That Act could not have done much harm if it had done no good. The truth was that the first two or three lines of the preamble of the Act itself contained the whole gist of the matter—namely, "Whereas great inconvenience has arisen by the wicked, pernicious, and destructive practice of stockjobbing," &c. The object of the Chancellor of the Exchequer was to place a penny stamp on time bargains, and to do that it was necessary to defend the principle of time bargains. Upon this question he (Mr. Bentinck) took issue with the right hon. Gentleman. A pamphlet had been sent to him (Mr. Bentinck), in which he found the following statement referring to a great authority in City matters :—

"*The Times* is aware that credit is lower on the Stock Exchange among themselves than among any other mercantile body; that, in addition to seventy failures in May, 1857, there were thirty-seven failures declared publicly, after which *The Times* declared that there was no such gambling to be found on the turf, or in any London gambling hells, or at any German watering-place."

That was the opinion expressed by *The Times* newspaper, and yet how was the law carried out? Persons were frequently taken up for betting, and fined; and recently a publican, who had for many years carried on his business near Grosvenor-square, was refused his licence because he allowed persons to bet in a subscription-room in his house, upon the door of which was marked "private." Betting upon horse races was an amusement indulged in by the highest persons in the land, and what were its immoralities compared with the vices of the system which the right hon. Gentleman proposed to legalize? The comparison could only be paralleled by the comparison of an angel to a fiend. Then how could the right hon. Gentleman the Chancellor of the Exchequer be so indifferent upon a question of public morals—and this was essentially so—as to propose the repeal of a Bill the real object of which was to discourage such proceedings? A melancholy case had lately been brought before our criminal courts of a man who had succeeded in defrauding a bank of more than a quarter of a million, and the explanation of its disposal was, he had speculated in time bargains. In no other place than the Stock Exchange could so much money have been wasted in the time. The gambling on the Stock Exchange, indeed, was perfectly unlimited, extending to hundreds, thousands, and millions. Another important consideration was the manner in which the repeal of this Bill would affect the immense funds placed by the depositors in savings banks in the hands of the Government. It had been said, however, that Sir J. Barnard's Act might be construed into interfering with perfectly *bona fide* transactions on the Stock Exchange when the delivery was not immediate. He admitted such might have been the case. But his hon. Friend (Mr. Bovill) had lately sought leave to introduce a Bill the effect of which would have been to repeal all the objectionable features of this Act, retaining that portion which would apply to the malpractices to which he had alluded. Yet, strange to say, the Chancellor of the Exchequer had refused to agree to the introduction of that Bill, but was now endeavouring to repeal the only good that could be done by the Act. Without it was understood to be an admitted proposition that gambling was beneficial, he really could not see any ground for the repeal of Sir J. Barnard's Act, and he therefore hoped the House would not sanction it. The Chancellor of the Exchequer, in the admirable speech he lately made at Edinburgh, had said that a hope of an enduring fame was, without doubt, a great incentive to virtuous actions. He (Mr. Bentinck) would like to know, supposing some pert young student of the north had risen just after that sentiment had been expressed, in the harmonious terms always adopted by the right hon. Gentleman, and had said, "That is all very well, but how about the repeal of Sir John Barnard's Act?" He thought the right hon. Gentleman would have found it rather a difficult question to answer. He could only say that this Bill was an unwarrantable attack on the morals of the people for the sake of putting a few pence into the public Exchequer, and he therefore moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

THE SOLICITOR GENERAL said, he was glad that issue had been at length joined on the Bill, after so many postponements, and that there was some chance of laying the wandering ghost of Sir John Barnard at last. He trusted that the House would find no difficulty in acceding to the second reading of this Bill. The hon. Gentleman (Mr. Bentinck) had ad-

verted to the case which had recently occurred, in which the servant of a bank had disposed of large funds belonging to his employers in gambling transactions on the Stock Exchange. There was no doubt those defalcations had occurred, and had arisen out of gambling in the Funds, but the case had, in fact, no legitimate bearing on this question. If it had any, it argued rather in favour of the Bill than against it, for it showed the utter insufficiency of Sir J. Barnard's Act to prevent such transactions. It was but one of many instances, well known in the legal and commercial world, which showed that the Act, notwithstanding its stringency in terms, and probably owing to that stringency, and its cumbrous machinery, was a dead letter. The hon. Gentleman asserted, too, that the Chancellor of the Exchequer, zealous for the finances of the country, had overlooked the dictates of honour and morality, and, for the sake of getting a small revenue out of contracts on the Stock Exchange, was prepared to do away with one of the existing barriers against gambling; but the answer to that was very simple. In fact, supposing the Act were repealed the next day, the law would still remain abundantly efficacious against gambling transactions. The law as to the invalidity of time bargains would remain just where it was, and the inducement to use stamps on the Stock Exchange or not to use them, would be just the same. There were two main enactments in Sir J. Barnard's Act. The first and the few following clauses were directed against time-bargains. They were declared void; and penalties were made recoverable at the suit of a common informer against all persons who might enter into them. Time bargains were defined thus in a judgment of Baron Alderson in the Court of Exchequer:—

"Sir J. Barnard's Act was intended to prevent gambling transactions where stock was not delivered, and where all that was recovered was compensation for a fictitious sale, which was merely imaginary between the parties—in truth, nothing more nor less than a gambling transaction or bet as to the price of stock."

Had there been no subsequent enactment he should have been very much disposed to agree with the hon. Member for West Norfolk, in the expediency of retaining this portion of Sir J. Barnard's Act. The 8th and following sections of the Act rendered illegal, under penalties recoverable by a common informer, the mere fact of a person not possessed of particular stock entering into a contract to sell that stock. That clause prohibited a class of dealings perfectly wholesome and legitimate, which had been common on the Stock Exchange when the Act was passed, and which had continued to prevail there, notwithstanding it, ever since. Nobody, he believed, objected to the repeal of those sections. The question then arose whether the House would repeal the 8th clause and those bearing on it by themselves, or whether they would repeal the whole Act? By the 18th section of the 8th & 9th of Victoria, chap. 109, commonly called the Gaming and Wagering Act, it was provided in effect that every contract, however made, by way of gaming and wagering, should be null and void. The difference between this Act and Sir J. Barnard's Act was simply this,—that, while the Act of Victoria prohibited gaming and wagering with respect to every kind of vendible commodity, Sir J. Barnard's Act prohibited them with respect to only one species of property—namely, stock in the British Funds. The latter Act had no reference to foreign stocks, to railway stocks, or to any one of the innumerable kinds of property which might be made the subject of dealing, with the single exception of the British Funds. If it were disputed whether the Gaming and Wagering Act really applied to gambling contracts in the British Funds, every lawyer knew that it was now too late to raise that question; for it had been decided by the Court of Common Pleas that a colourable contract for the sale and purchase of railway shares, where the parties intended only to pay the difference, according to the rise and fall in the market, was gaming, within the Act of the 8th & 9th of Victoria. It followed, therefore, that the provisions of that Act would equally apply to wagering in the British Funds; and the apprehensions of the hon. Member for Norfolk that, if Sir J. Barnard's Act were repealed, fresh encouragement would be given to gambling in the Funds, were not well founded. The real truth was that Sir J. Barnard's Act had proved inefficient, and had practically been a dead letter, and, upon its repeal its place would be occupied by the Act of Victoria, which had been found beneficial and effective for its purpose.

MR. EDWIN JAMES said, he had stated when this question was originally mooted, that as regards the repeal of Sir J. Barnard's Act he should vote with the Chan-

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cellor of the Exchequer; but he entertained the suspicion that the present Bill was not introduced simply to repeal Sir J. Barnard's Act, but as a portion of the Budget for the purpose of getting a revenue from contracts void under that Act. He believed that the effect of 8th & 9th *Vict.* was not known to the Chancellor of the Exchequer, and that the present Bill formed an essential part of the Budget, its object being to allow those contracts which were void under Sir J. Barnard's Act to be valid. If a Bill had been brought forward to sweep away Sir J. Barnard's Act as being obsolete, no suspicion would have been created, but when the present Bill was proposed as an essential portion of the Budget, suspicion was naturally engendered. The hon. and learned Solicitor General had said that the opponents of this Bill need not have raised the ghost of Sir J. Barnard, and sent him wandering through the House. To carry on the metaphor, he (Mr. Edwin James) would apostrophise this Bill as Hamlet did the ghost of his father :—

> "Thou com'st in such a questionable shape,
> That I will speak to thee."

MR. HANKEY said, the members of the Stock Exchange had very naturally objected to the stamp duty which the Chancellor of the Exchequer sought to impose on contracts to which they were parties. They had waited upon the right hon. Gentleman, and put forward representations as to the onerous and unjust nature of the tax, and they had also asked to be relieved from liability to certain penalties imposed by an obsolete Act on transactions which in themselves he maintained to be perfectly legitimate, and in accordance with the usages of the present day. Time bargains were frequently the most convenient mode in which investments could be made; and as long as the seller of stock fulfilled his contract, he did not believe the legitimacy of the transaction ought to be affected by the period at which it came into his possession. For instance, if a gentleman, being left as trustee, or in any other capacity, had £50,000 to invest, he would go a stockbroker and desire him to purchase stock to that amount. The broker would, of course, buy it in at the most favourable times, and would make a contract with the gentleman to deliver the whole amount of stock on a particular day. In many kinds of marketable securities it was impossible that business could be carried on in any other way. Foreign stocks and railways, for instance, were not dealt in from day to day, but at stated intervals. Transactions in reference to them he regarded as by no means of an equally gambling character with fire insurances, where the agreement was clearly in the nature of a bet. The hon. and learned Member for Guildford (Mr. Bovill) had used a very strong expression when he applied the word "gambling" to the transactions of the members of the Stock Exchange, but he could mention places where practices much more open to objection were carried on without question. The bargains in stock were based upon sound commercial principles, and great practical inconvenience would be felt, if, owing to any reason, these were put a stop to. The gentlemen of the Stock Exchange were quite justified in their desire to have the character of illegality removed from their proceedings, and the Chancellor of the Exchequer, with their representations before him, had acted most properly in undertaking as far as in him lay to accomplish the repeal of Sir J. Barnard's Act.

MR. BOVILL said, he had not intended to charge the Members of the Stock Exchange with gambling. He regretted that the hon. Member for Peterborough (Mr. Hankey) or his friends had not availed themselves of the assistance of the Solicitor General, who would have told them that some of the transactions as to which they entertained such unpleasant apprehensions were perfectly legal, and were not declared to be otherwise by Sir John Barnard's Act, although, as the language of the Act was obscure, he (Mr. Bovill) was not surprised at the mistake having occurred. He had been delighted to hear from the hon. Gentleman the history of this measure, which, it now appeared, had been introduced, not from any pressing necessity for the amendment of the law, and consequently had not been intrusted to the law officers of the Crown, but in fulfilment of a contract between the Chancellor of the Exchequer and the Stock Exchange for the legalizing of gambling transactions. The House had been made acquainted that Session with a great many measures for the amendment of the law, but the proposal under consideration had originated from the Resolution by the Committee to grant a penny stamp duty on contracts, provided Sir John Barnard's Act was repealed. In drawing up the Bill for this purpose the able assistance of the hon. and learned Solicitor General had not been invoked, and the law officers had not even seen the Bill; but the Government had re-

course to the assistance of some person so wholly inexperienced that it was first boldly proposed to repeal an Act, the operation of which only lasted for three years, and which expired nearly a century ago. It was now manifest by the speech to which the House had listened that no real amendment of the law was contemplated, the only object being to carry out the agreement by which in return for a penny stamp the Chancellor of the Exchequer was to bargain away the morality of the country. He remembered the feeling of utter astonishment with which in the first instance he had heard the Chancellor of the Exchequer introduce the subject by laying it down that, as it was impossible to prevent those transactions, it was better to render them legitimate, and to turn them into a source of revenue. What portion of the community, he would ask, had ever complained of the provisions of Sir John Barnard's Act; what classes had petitioned for its repeal, and what were the grounds suggested for sweeping away that enactment? The hon. and learned Solicitor General being uninformed as to the true reasons for the repeal of the measure, had ascribed the Bill now before the House to the fact that Sir John Barnard's Act was a dead letter. Had the House ever before heard of a case in which it was thought necessary to impede other useful legislation, and to keep a Bill on the paper night after night for a month, whose simple object was to repeal an obsolete and ineffective Act of Parliament? He ventured to think it was precisely because it was not a dead letter, and because its provisions were found a serious obstacle to the carrying out of those illegitimate gambling transactions that some parties were so eager for its repeal. He had lately prepared at considerable trouble a Bill, preserving all that was useful in Sir John Barnard's Act to prevent gambling, and sweeping away the obsolete provisions. Unless the Government wished to sanction these illegal practices, he asked why had they refused to accept his Bill? He would tell the House why. It was because it would not have fulfilled the compact between the Chancellor of the Exchequer and the Stock Exchange for a total repeal of that Act. The hon. and learned Solicitor General had said that Sir John Barnard's Act did not stop gambling; but, because Acts of Parliament were not sufficient to repress the evils they were intended to remedy, that was no reason why they should be repealed. Gaming-houses existed, but nobody would seriously propose to repeal the Acts against gaming. It was singular that with Sir John Barnard's Act before him the hon. and learned Solicitor General had omitted to state almost the only important part which affected the Stock Exchange. By that Act gambling transactions were prohibited, a penalty was imposed, and a bill of discovery was authorized to be filed, but there was also this further and most awkward provision, that if time bargains were made by way of wagering and gambling, the money so paid on such time bargains might be recovered back by the person who paid it. Would any person tell him that that was not a restriction on the facility for gambling? It was a restriction, and that was the reason which made the Stock Exchange so anxious for its repeal. The Government proposed to leave gambling under the Act of 1845, but that Act did not say that money paid upon time bargains might be recovered back. He repeated that the effect of the repeal would be to encourage gambling, and if they encouraged it in one case, they would have the small tradesman resorting to the Stock Exchange for the purpose of retrieving his fallen fortunes, and he should vote against the second reading of the Bill.

MR. JOHN LOCKE said, that he had listened with great attention to the speech of the hon. and learned Gentleman who had just sat down, because he was in hopes that his hon. Friend would have shown that Sir John Barnard's Act was of some use. His hon. and learned Friend had failed to do so. He had failed to show that it had ever punished anybody who had committed a bad act on the Stock Exchange. He had failed to show that it had prevented such acts. It had, indeed, been a terror to honest and respectable people, but was ineffectual either for the punishment or prevention of fraud. Such was his hon. Friend's admiration of this useless Act, that he had brought in a Bill to perpetuate some of its provisions, but with what result? His hon. Friend had not been able to find one Member of the House to support him and his Bill was negatived without a division. His hon. and learned Friend had addressed the House that as a common jury, and a very common jury indeed, but he had failed to convince them that it would be unwise to pursue the course to which they were invited by the Chancellor of the Exchequer in repealing the Act in question. It was said that the Act was to be repealed

in consequence of a bargain which had been made between the gentlemen of the Stock Exchange and the Chancellor of the Exchequer. In making that bargain he thought the right hon. Gentleman had done quite right. The gentlemen of the Stock Exchange disliked the imposition of a penny stamp on their contracts, and they said, here was an Act for which none but antiquaries could have any respect, but which did, in some way or other, interfere with stock transactions. The Chancellor of the Exchequer gave up to the Stock Exchange this worthless Act, and in return it gave the right hon. Gentleman a penny on each transfer. The hon. Member for Guildford had supported the hon. Member for West Norfolk, a gentleman for whom he (Mr. Locke) entertained the highest respect, but as he sat on the opposite side of the House, he did not place the same unlimited confidence in his judgment as the hon. Member for Guildford was pleased to do, and therefore he (Mr. (Locke) was not disposed to support him on this occasion. These two hon. Members had hunted the ghost of the unfortunate gentleman up and down that House for the last three weeks; but he (Mr. Locke) trusted that this evening it would be finally laid.

MR. HUBBARD said, that when the subject was first mooted he had ventured to express his regret that the repeal of Sir John Barnard's Act should have been brought forward in the shape of a clause in the Stamp Act, and the Chancellor of the Exchequer appeared surprised at the objection he made; but his surprise must have long since vanished, considering the nature of the objections the circumstance had produced. That circumstance had given rise to an assertion that the object of the Chancellor of the Exchequer was to raise a revenue by a stamp duty upon contract transactions, which in themselves were illegal and immoral, and so legalize those transactions. No stamp of any amount would make moral and legal transactions that were illegal and immoral in their very nature. Many cases came before the Courts of law which depended on documents evidently given for an immoral consideration. Whether such documents were required to be stamped or not he did not know, but he was sure no stamp would render them legal. He denied, however, that there had been any mystery or concealment about the compact of the Government to repeal Sir J. Barnard's Act. The repeal was made a condition in a clause of the very Bill that imposed the penny stamp. Nothing could be more open than the way in which the Government had brought the matter before the House. The hon. Member for West Norfolk (Mr. Bentinck) had quoted a passage from *The Times*, written several years ago, giving a very vivid description of the immorality of the Stock Exchange gambling. Evidently, then, Sir J. Barnard's Act had not prevented gambling transactions. But what were its negative effects? The chief objection to the measure was, not that it prevented transactions in the Funds of an objectionable kind; but that men, and those not mere gamblers only, sometimes took advantage of it to defraud those whom they had employed to operate on the Stock Exchange. But, as a London merchant, he must speak in behalf of a body of men who had been much maligned by Sir J. Barnard's Act itself and also by much that had been said during this debate. Did the charge of immorality apply only to time bargains in the Funds? Did it not equally apply to similar transactions in foreign Funds and many great articles of consumption, in which speculations were made of enormous extent and value, and which were quite as ruinous as any gambling in the Funds? Fortunes were lost and made by lucky time bargains in indigo and cotton, and nobody took exception to them. In fact, they could not be prevented, and it was an excessive detriment to liberty of action to fetter it merely because in its abuse it led to bargains which they might call immoral. The repeal of Sir J. Barnard's Act now stood on its own merits, and by voting for that repeal he should not consider himself bound to vote for the penny stamp. He found in the *Parliamentary History* a note of Tindal the historian, to which he begged the attention of the House:—

> "The friends of this Bill were disappointed in its being passed. They had endeavoured to possess the public with the notion that the greater part of the Minister's (Sir Robert Walpole's) power and income and that of his friends arose from stock jobbing, and that as he was in the secret of affairs at home and abroad, he made use of his knowledge to influence the funds to the advantage of himself and his creatures. The notion was not more injurious to his character than it was false in itself, and he treated it with a becoming disdain by suffering the Bill to pass, though some parts were contrary to his private judgment."

He should vote unhesitatingly for the repeal of a statute which was in its spirit utterly opposed to the policy of the pre-

sent day, and which, as he had shown, had originated in party strife and personal malevolence.

Mr. MALINS said, that on that occasion he felt compelled to vote against those with whom he usually acted. They could not go into the motives which led to the passing of Sir John Barnard's Act, but must look at the present state of the law and consider whether they ought not to repeal the act. The Chancellor of the Exchequer proposed to put a tax upon the gentlemen of the Stock Exchange, and they came to him and said there was a certain Act of Parliament which might act oppressively towards them—which was a public inconvenience, and it would much reconcile them to the new stamp duty if the right hon. Gentleman would remove that inconvenience. He agreed to do so and in his (Mr. Malin's) opinion the bargain was a perfectly fair and open one on both sides, and ought to be carried out. Sir John Barnard's Act would, if rigidly acted upon, debar any stockbroker from selling stock unless he had it in his possession. What would the House say if a railway company were to insist that, before he began his contract, the contractor was bound to produce all his iron and wood to satisfy his employers that the contract would be carried into effect? If morality was only to be preserved by Sir John Barnard's Act, it must have been destroyed long ago. [Divide!"] As the House seemed impatient, he would content himself with saying this, that if the principle of Sir John Barnard's Act was right, it fell far short of what it ought to do, because it ought to include bargains in the foreign funds, in timber, and other commodities. He agreed with the learned Solicitor General in thinking that there was sufficient protection against illegal transactions, by the 8th and 9th Victoria, and that the right hon. Gentleman the Chancellor of the Exchequer acted wisely in seeking to repeal this Act.

Mr. HENLEY said, he wished to state in one or two words the reasons which would guide him in the vote he was about to give. It had been openly stated and not contradicted, that a bargain had been made between the right hon. Gentleman and certain parties on the Stock Exchange, by which, in consideration of the repeal of this Act, they consented to pay the tax. Now, he did not pretend to be very conversant with what went on inside that place, but he believed they were a very shrewd set of fellows that frequented the Stock Exchange, and that they never would have consented to pay this penny tax upon every one of their transactions unless they found that this Act put them to some special inconvenience. He had almost arrived at that conclusion before, but he was confirmed in it by the observations of his hon. Friend the Member for Buckingham (Mr. Hubbard). His hon. Friend said that transactions of a certain kind went on there—that men sometimes fell among thieves, that they got robbed; that these time bargains, very honourable no doubt, could not be carried out; and that the Act prevented the carrying of them out being enforced. Now that convinced him that a great deal of gambling went on there which the Members were desirous of legalizing. His hon. Friend said it was of great benefit to the country, but he was not of that opinion; he thought it worked great mischief, and therefore he would vote for the Amendment.

Sir HENRY WILLOUGHBY said, he also wished to state in a sentence the grounds on which he would vote against the second reading of this Bill. It totally repealed an Act in which he found several good provisions, particularly in bringing the light of publicity to bear on the transactions of the Stock Exchange. It was clear that the Stock Exchange was wiser than the House, for that body was endeavouring to make regulations to prevent the repetition of such disgraceful transactions as had lately allowed a quarter of a million sterling to be lost there. Now one of the provisions of Sir John Barnard's Act was, that a public register should be kept of all transactions that took place on the Stock Exchange, by which the light of day had been let in upon them. He therefore could not agree to the total repeal of the Act, though he should not have objected to its amendment.

Mr. BUTT said, that if an informer were to bring a *qui tam* action against a respectable merchant on the faith of the provisions of this Bill, the House would act as it did in the case of the *qui tam* actions for horse-racing—it would not only repeal the Act, but pass an *ex post facto* law to prevent the enforcement of the penalties. He should support the second reading.

Mr. VANSITTART said, he regretted to see the Chancellor of the Exchequer, having recklessly thrown away millions of the public revenue, now attempting to get it back by having recourse to the pettifogging expedient—wholly unworthy of a

Chancellor of the Exchequer—of the imposition of a penny stamp upon every document connected with commerce, and upon every movement in our warehouses. They had had evidence that evening of the fact that the right hon. Gentleman had actually been negotiating with the Stock Exchange in this matter, with a view to obtain from it a miserable contribution towards filling up the deficit which he had so wantonly made.

Question put, "That the word "now" stand part of the Question."

The House *divided:*—Ayes 181, Noes 58: Majority 123.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *To-morrow.*

EXCISE AND ASSESSED TAXES ACT.

COMMITTEE. ADJOURNED DEBATE.

Order for Committee read.

House in Committee.

MR. MASSEY in the Chair.

Question again proposed,—

"That in lieu of the Duties now payable on Game Certificates in Great Britain and Ireland respectively, there shall be charged the following Duties of Excise:—

For a Licence to be taken out by every person who shall use any dog, gun, net, or other engine for the purpose of taking or killing any game whatever, or any woodcock, snipe, quail, or landrail, or any conies, or any deer, or shall take or kill by any means whatever, or shall assist in any manner in the taking or killing, by any means whatever, of any game, or any woodcock, snipe, quail, or landrail, or any coney, or any deer:—

	£	s.	d.
If such Licence shall be taken out after the 5th day of April and before the 1st day of November, To expire on the 5th day of April in the following year	3	0	0
To expire on the 31st day of October in the same year in which the Licence shall be taken out	2	0	0
If such Licence shall be taken out on or after the 1st day of November, To expire on the 5th day of April following	2	0	0"

THE CHANCELLOR OF THE EXCHEQUER said, he rose to move a Resolution on the subject of Game Certificates. He had made a good deal of inquiry with respect to it, both in conjunction with the Revenue Department and gentlemen interested in the matter; the result of which he believed to be a plan which was simple in itself and also workable, although it was not that which the Revenue Department preferred. It was that a game certificate taken out for the whole season should be £3; and for a moiety of the season, including three months to or from October 31st, £2. That was the essence of the scheme. There was no alteration whatever in the law except with regard to deer; although the phraseology might be such as to give rise to some question. Deer would now be considered as game, and, of course, the shooting of deer would require a certificate to be taken out as in the case of other game. There was also a Resolution entitling a person having the right to kill game, to authorize any servant chargeable to the assessed taxes to kill game upon the same lands upon payment of the duty of £2.

SIR HENRY WILLOUGHBY observed that the Resolution was not on the paper; he suggested that it ought to have been printed.

MR. BENTINCK said, he wished to take that opportunity of pointing out to the Chancellor of the Exchequer that he had, in dealing with the subject, considered the question too much as a question of finance, and too little as a question of public convenience and advantage. The effect of the proposal would be to cause many people to take out game certificates who would not otherwise do so, and to encourage day poaching in districts where game was preserved. This would lead to scenes of violence between keepers and poachers by day as well as by night. He trusted the right hon. Gentleman would carefully reconsider the subject.

MR. FELLOWES said, he hoped the right hon. Gentleman would consent to adjournment, in order that the Resolution might be printed. It was really most important that hon. Members should know what they were going to do.

MR. KNIGHTLEY moved that the Chairman report progress.

THE CHANCELLOR OF THE EXCHEQUER said, he had been under a misapprehension, thinking that the subject was before the Committee when he was absent. He did not advert to the fact that the Resolution had not been printed. He certainly quite agreed that progress should be reported under the circumstances. The Resolution would of course be printed.

LORD FERMOY said, he hoped the Chancellor of the Exchequer did not mean that a farmer would require to take out a licence at £2 or £3 to shoot rabbits, which were vermin.

MR. M'CANN said, rabbits were a great nuisance, and farmers were obliged to em-

ploy persons to destroy them. It would be very hard to require a farmer to take out a licence for that purpose.

MR. JOHN LOCKE said, there was no alteration in the existing law in the proposal of the Chancellor of the Exchequer, except in the matter of the licences, and that farmers were allowed to kill rabbits without a certificate.

VISCOUNT GALWAY said, he was glad the right hon. Gentleman had given up the idea of £1 certificates at the end of the season, and he was entitled to every credit for having done so. Every poacher would have availed himself of such a privilege.

SIR JOHN TROLLOPE said, he wished to know whether the question was to be considered on financial or moral grounds? The fact was, that violent encounters and bloodshed occurred so often in various parts of the country, in relation to the game laws, that if hon. Gentlemen went into the question in a moral point of view, some inquiry ought to be made as to whether a stop could not be put to those outrages, which filled the gaols with prisoners, and caused an amount of evil which was almost incalculable in the counties where they occurred. He called the attention of the right hon. Gentleman to the fact, to show that if the House really proceeded to consider the Game Laws at all, they should go into the whole case.

Motion, by leave, *withdrawn*. House resumed; Committee report progress; to sit again on *Thursday* next.

PIERS AND HARBOURS BILL.

COMMITTEE.

Order for Committee read.

MR. PAULL said, he had to move that the Order for the Committee on the Bill be discharged for the purpose of having the Bill referred to a Select Committee.

MR. E. P. BOUVERIE said, he did not think that that was a Bill that ought to be sent to a Select Committee, as it proposed to levy rates on shipping, and to take out of the hands of Parliament the power which it now possessed as to levying rates, and to place it in the hands of the Board of Admiralty. He apprehended the House was not prepared to allow the Admiralty to take compulsorily land on the shores of the kingdom. The House alone ought to have jurisdiction in such matters. He would move that the Bill be committed that day six months if he were supported.

COLONEL WILSON PATTEN said, he would remind the House that on the second reading of the Bill, his hon. Friend (Mr. Paull), who had charge of it, consented, in deference to a wish then generally expressed, to submit it to a Select Committee, and that he was now endeavouring to give effect to that wish.

MR. MILNER GIBSON said, the propriety of referring the Bill to a Select Committee had been under the consideration both of the Admiralty and the Board of Trade, and they had come to the conclusion that as the Bill had been read a second time after full discussion, it was desirable that it should go to a Select Committee, with the view to a consideration of what powers should be given to a department of the Executive Government for promoting harbour improvements. It was desirable that his right hon. Friend (Mr. Bouverie) should know that the subjects in question would not be altogether removed from the jurisdiction of the House, inasmuch as any provisional orders to be made under the Bill would have to receive the assent of Parliament.

MR. PAULL replied.

Order for Committee read, and *discharged*.

"Bill *committed* to Lord CLARENCE PAGET, Mr. MILNER GIBSON, Lord ROBERT CECIL, Colonel WILSON PATTEN, Mr. CORRY, the JUDGE ADVOCATE, Mr. EDWARD PLEYDELL BOUVERIE, Mr. TALBOT, Mr. GORE LANGTON, Mr. BUCHANAN, Mr. M'MAHON, Mr. BLACKBURN, Mr. Serjeant KINGLAKE, Mr. RIDLEY, and Mr. PAULL:—Power to send for persons, papers, and records: Five to be the quorum."

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.

SECOND READING.

Order read for resuming Adjourned Debate on Question [15th May], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed*.

LORD FERMOY was understood to oppose the progress of the measure at so advanced a period of the night.

MR. CRAWFORD said, that he thought the Bill objectionable in many particulars, but in the belief that it would be properly scrutinized in Committee, he would give his assent to the second reading.

MR. JOHN LOCKE contended that there were grave objections to the Bill on the ground that the Metropolitan Board of Works were about to usurp the power of the vestries, and cause parishes to pay excessive taxation. The board also proposed to re-

tain their present elective system, although by the constitution they were not elected by the ratepayers, but by the vestries, and the members elected did not fairly represent the Metropolitan districts. Some provision ought to be made in the Bill for an alteration in their constitution. If these points were attended to in Committee he had no objection, but the Bill must be almost entirely remodelled. He would move that the Bill be read a second time that day six months, in order to enable the hon. Member for Bath to explain more fully its objects. The hon. Member concluded by moving that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed "That the word 'now' stand part of the Question."

Mr. TITE explained the object of the Bill, which was to apportion more fairly the drainage and sewerage expenses among the districts of the Metropolis. There was a debt of £200,000 to be paid off, the payment of which was in the first instance divided among forty districts, upon some of which it pressed very severely in proportion to the amount of benefit they had derived. The Metropolitan Board of Works proposed to take £73,000 of the debt for the main drainage of the Metropolis, which would relieve some of the parishes, and allow of a fair distribution of the remaining sum. It was not proposed, however, to make any alteration in the mode of electing the members of the Metropolitan Board, as the system had hardly had a fair trial. The Bill was the result of careful deliberation, and the Committee which he would have the honour to propose would have the power to take further evidence and propose such modifications as would be thought most effectual in accomplishing the objects for which it had been framed. It was, however, a matter which pressed, as unless the Bill passed, the Board would have to enforce an unjust payment from several parishes.

Mr. AYRTON said, he thought the House had great cause to complain that the Metropolitan Board of Works should ask them at the end of May to pass a Bill consisting of more than 100 clauses. They ought to pause before it gave any more power to the Metropolitan Board of Works so long as it was constituted on its present basis.

Sir JOHN SHELLEY said, he could not understand why this Bill was not brought forward at an earlier period of the Session, if the Metropolitan Board were anxious to have the money that was due properly apportioned. However, he would not oppose the proposition for the second reading, with a view to the Bill being referred to a Select Committee; but he must reserve to himself the right of opposing the Bill after it came back from the Committee, if it was not materially improved.

Mr. Alderman SALOMONS said, he objected to a great many clauses in the Bill. Many of the powers given by the Bill were extremely arbitrary.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* to a Select Committee.

House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Friday, May 25, 1860.

Minutes.] *Royal Assent.*—Consolidated Fund (£9,500,000); Oxford University; Marriages (Extra-Parochial Places); Common Lodging Houses (Ireland).

The House met;—

The Royal Assent given (by Commission) to several Bills;—

And their Lordships having gone through the Business on the Paper,

House adjourned at Half-past Four o'Clock to Monday the 4th of June next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 25, 1860.

Minutes.] New Member Sworn.—For Lymington, Lord George Charles Gordon Lennox.

Public Bills.—1° Coroner's (No. 3): Universities and College Estate; Lands Clauses Consolidation Act (1845) Amendment; Friendly Societies Act Amendment.

2° Spirits; Municipal Corporations (Ireland) Act Amendment; Councillors of Burghs and Burgesses (Scotland).

3° Refreshment Houses and Wine Licences.

SITTING OF CONVOCATION.

QUESTION.

Mr. KINNAIRD said, he rose to ask the Secretary of State for the Home De-

partment whether Her Majesty's Government have advised The Queen to sanction the sitting of Convocation in the provinces of Canterbury and York for any other than the ordinary purpose of adjournment ?

SIR GEOEGE LEWIS said, that at the end of last February the Convocation of the Province of Canterbury passed a Resolution for an Address to the Crown praying that they might receive permission to revise the 29th Canon, the principal provision of which prevented a parent from being the godfather or godmother of his or her child. It was not by law competent for Convocation to consider the alteration of a canon without the previous permission of the Crown. That application had been taken into consideration by the Government, and they had advised Her Majesty that the prayer of the petition should be complied with, so that the Convocation of Canterbury had received permission to revise that Canon. In order to complete that revision it would then be necessary to submit the amended Canon to the Crown before it would have any valid effect. There had been no application from the Convocation of York for a like permission.

GOVERNMENT LAND AT PORTSMOUTH. QUESTION.

LORD WILLIAM GRAHAM said, he rose to ask the Secretary of State for War, Whether the Land, or a portion of it, which has recently been bought at a high price by Government for the defences of Portsmouth, was not formerly in the possession of Government, and sold by them a few years back at a comparatively cheap rate ; whether there was not, at the time of selling such Land, an official Plan for the defence of Portsmouth, embracing such Land, in the hands of Government, or of the Military Authorities ; and, whether he will lay upon the Table of the House a Return of the price at which the Land was sold, the price at which the land has been re-bought, and the name of the Official who sanctioned the sale ?

MR. SIDNEY HERBERT said, he had sent to Portsmouth to inquire into the facts of the case, and was therefore prepared to state what had occurred. About twenty years ago, some land at Stokes Bay belonging to the Government was sold for £8,000, which was its full market value at that time. It had since been re-bought at intervals for small sums, and in sections ; and the whole sum paid for it by the Government (£28,000) was no doubt greatly in excess of the sum for which it had been sold in 1839. There was no plan for the defence of Portsmouth at that time the adoption of which would have necessitated the retention of the land in question, except the old plan of the Duke of Richmond, made in Mr. Pitt's Administration. The sale was made by the Master General of the Ordnance of that Day.

INDIAN MUTINY.—QUESTION.

MR. H. B. SHERIDAN said, he would beg to ask the Secretary of State for India, Whether Instructions have been sent to the Indian Government to take steps to reduce the amount promised by the Home Government for compensation for losses by the Indian Mutiny ; and whether or not a Special Despatch to India was sent about January last upon the subject of these compensations ; and, if so, whether there is any objection to lay that Despatch, or the last Despatch upon the subject, upon the Table of the House. And further, whether the Million Sterling awarded by the Home Government as compensation to sufferers by the Indian Mutiny is to be the *minimum* as well as the *maximum* of such compensation ?

MR. T. G. BARING said, in reply to the first question of the hon. Member, no instructions had been sent out to the Indian Government to reduce the amount of compensation for losses by the Indian Mutiny. With respect to the second question there would be no objection to the production of the Despatch if the hon. Gentleman would move for it. With reference to the £1,000,000 awarded by the Home Government for compensation, the question as between the *maximum* or *minimum* was reserved until the Indian Government knew how much was to be paid on the principle upon which compensation was to be awarded.

INDIAN PROMISSORY NOTES. QUESTION.

MR. H. B. SHERIDAN said, he would now beg to ask the First Lord of the Treasury if it is the intention of the Imperial Government to deduct the English Income Tax from the interest payable on Promissory Notes of the Indian Government, where such interest is payable in this country by Drafts on the Indian Treasuries ; whether it is the intention of Her Majesty's Ministers to allow the Indian

Government to deduct Indian Income Tax from the interest payable on Promissory Notes of the Indian Government after English Income Tax has been already deducted from such interest in this country; or whether, in other words, interest on Indian Promissory Notes is subject to a double Income Tax?

MR. T. G. BARING said, in answer to the first question of the hon. Gentleman, that the Indian Office acted ministerially for the Board of Inland Revenue. Whether the English income tax would be deducted was a legal point upon which he must decline to give any opinion. It would be premature to give an answer to the second question until the Indian income tax Bill arrived in this country. The answer to the third question would be found in his answer to the other two.

TAX BILLS.—THE EXCISE DUTY ON PAPER.

COMMITTEE MOVED FOR.

VISCOUNT PALMERSTON: Sir, in pursuance of the notice which I gave yesterday afternoon, I rise to move that a Committee be appointed to search the Journals of the two Houses of Parliament in order to ascertain and report on the practice of each House with regard to the several descriptions of Bills imposing or repealing taxes. I shall abstain from going into any further detail at the present moment, and I trust the House also will see the advantage of not entering into any discussion upon matters upon which it is intended the Committee should furnish us with information. I apprehend that it will be better if hon. Gentlemen, whatever their opinions may be, would have the goodness to defer stating those opinions until the Committee shall have made their Report. This step, under any view, precludes nothing, and pledges nothing. It is one which I think the House would take under the circumstances, and it certainly leaves the matter entirely open for consideration, with this difference only, that we shall then be in possession of facts with regard to which different and contradictory assertions may otherwise be made.

Motion made, and Question proposed,—

"That a Select Committee be appointed to search the Journals of both Houses of Parliament in order to ascertain and report on the practice of each House with regard to the several descriptions of Bills imposing or repealing Taxes."

SIR JOHN PAKINGTON: It is, perhaps, hardly necessary to say that I have no intention, and I am not aware that any hon. Gentleman on this side of the House has the intention, to interpose any objection to the Motion of the noble Lord. On the contrary, after what has occurred I should have been surprised if the noble Lord had not taken that course. I agree that it would be premature on the present occasion to enter upon a discussion of the Motion or the circumstances that have induced him to make it. I heard with satisfaction from the noble Lord that no one in consenting to this Motion would be in the slightest degree fettered or compromised with regard to any course which it might be necessary to take upon the Report of the Committee. So far as my own vote is concerned I consent to the appointment of this Committee, and I do so with greater satisfaction on account of the assurance given by the noble Lord the other night, that it is not the intention of Her Majesty's Government that the appointment of the Committee should lead to any feeling of hostility between the two Houses of Parliament.

MR. EDWIN JAMES said, he regretted that he could not agree in the opinion of the right hon. Gentleman that it was not necessary to have some declaration from her Majesty's Government as to the course which they intended to pursue. He had waited, as a Member of that House, anxious with regard to a question which affected their dearest privileges, to learn from Her Majesty's Government the course they would adopt in consequence of that of which the House had now proper evidence —the rejection of the Bill for the repeal of the paper duty by the House of Lords. Any discussion the previous evening would have been premature, as the Report from the Journals of the other House had not then been received. But now that the House was formally in possession of the decision of the House of Lords respecting the Bill, all precedents justified them in taking some action on the subject. The Journals of the House of Commons told them, if they had writ their annals true, that they were in possession of abundant knowledge, and in a position to decide what course ought to be adopted. He had no desire to urge Her Majesty's Government to any premature step; but he thought that the country upon a question, in which it was deeply interested, and in which the dignity and honour of the House of Commons were equally interested, had a right to know whether the Government had made

up their minds to adopt any course in the matter. The established precedents justified him in saying that the matter was ripe for action on the part of that House. He believed the last case of the kind occurred in 1742. Hon. Members who were versed in Parliamentary history would have that case familiarly in their memory. It was a case in which a Committee of Inquiry was appointed upon the alleged corruption of Lord Orford, formerly Sir Robert Walpole. A Bill was sent up to the House of Lords to indemnify the witnesses who gave evidence before that Inquiry. The House of Lords rejected the Bill on the 26th of May. A Committee was appointed like that moved for by the noble Viscount, to search the Lords' Journals, and they ascertained the rejection of the Bill on the 26th of May, the same evening that it was thrown out. The House of Commons thereupon passed a Resolution the following day to the effect—

"That the refusal of the House of Lords to concur in the indemnity necessary to carry on the Inquiry by the House of Commons is an obstruction to justice, and fatal to the liberties of the nation."

It was, therefore, in his opinion, perfectly clear that as the House was now formally in possession of information as to the decision of the House of Lords, there was no necessity whatever for the appointment of a Committee to search for precedents; and he could not help thinking that such a course would lead to temporizing and delay, though he did not in the least impute that the Government desired such a result. He held that by precedent the House was now at liberty to act in this matter, and that, as the noble Lord at the head of the Government must, by the rejection of the Bill, be to some extent embarrassed in regard to the financial arrangements of the Session, it was due both to the interest which the House took in its invaluable privileges, and to the self-respect and dignity of the Government, that the noble Lord should announce what course the Government were prepared to follow on this question.

MR. DIGBY SEYMOUR said, he had intended to address some observations to the House on this subject; but he felt that it would be disrespectful to the leader of the House if, after the appeal which he had made, he entered on the general question which was at issue. He would only say that he objected to the Committee now proposed, both on account of the terms of its appointment and of the manner in which it was composed. As to the terms of the Motion it proposed that the Committee should "ascertain and report upon the practice of each house with regard to the several descriptions of Bills imposing or repealing taxes." Now, he would submit that that language gave the Committee too much of the character of a roving commission. He believed that the practice of the other House as to Bills imposing or repealing taxes might be ascertained from such works as Mr. Hatsell's *Precedents*, and Mr. Erskine May's valuable work, without searching the Journals of Parliament. The simple question which had to be answered was, whether any precedent was to be found in the Journals of the House of Lords for the rejection of a Bill for the repeal of a tax under the same circumstances as the Paper Duty Repeal Bill. All that the Committee required to do was to ascertain whether any such precedent existed, leaving it to the House to say whether it applied to this particular question before them. According to the Motion of the noble Lord, the Committee might search all the Journals through and through, and yet conclude their labours without deciding whether there was any precedent whatever for what had just taken place. As to the composition of the Committee, he found upon it the names of four Cabinet Ministers, and the same number of Ex-Cabinet Ministers, but he regretted to see that it included the name of only one Gentleman sitting below the gangway—that of the hon. Member for Birmingham. There ought to be a larger infusion of the independent element in the Committee. He entertained no revolutionary views as to the other House, but he was anxious that this matter should be speedily and satisfactorily disposed of, and was satisfied that that end could only be attained by the appointment of a Committee in which the country had the fullest confidence. He thought that the legal profession ought to have been more largely represented in a Committee whose duty it would be to search for precedents, and balance minute points of difference or similarity. It was true that the hon. and learned Attorney General and Solicitor General were to be placed upon it, but he would suggest the addition of the names of the hon. Members for Plymouth (Mr. Collier), and Manchester (Mr. Bazley), as likely to give weight to the Committee.

MR. T. S. DUNCOMBE said, he differed from the two learned Gentlemen who

had just spoken in the view he took of the question, and would beg leave to set them right in one respect. It was a mistake to say that the House of Lords had rejected the Paper Duty Repeal Bill. It had done no such thing. The House of Lords had only postponed the second reading of the Bill for six months. That was, no doubt, held to be tantamount to the rejection of the Bill, and the House of Lords intended that it should be so received. But there was no reason why, if the House of Commons could defeat the stratagem of the House of Lords and maintain the dignity of their own body, they should not do so. They ought to take the House of Lords at their word. Every one was of opinion that the paper duty was a bad duty—at least every one who spoke in the House of Lords took that view, and insisted only that this was not the moment to repeal it. Well, let the Government wait and see whether six months hence their Lordships might not discover that the proper moment had arrived. The Bill would be rejected when the Government, by prorogation of Parliament put an extinguisher on the Bill; but till then it stood merely postponed. He believed that before they were many days older they would find a very strong opinion expressed throughout the country against the rejection of the Bill; and if, when the business of the Session was over, the Government would advise Her Majesty not to prorogue Parliament, but to adjourn it from time to time, so that it might sit till November, the country might then be so circumstanced, the revenue might be in such a position, the people might express so emphatic an opinion, and put such a pressure on the Lords, that they might, after all, come to the conclusion that it was right and expedient to pass the Bill. A very large meeting of delegates from the Metropolis and different parts of the country had been held that day, and he was authorized to say that the Amendment he had to propose, and on which he was determined to take the sense of the House, met with their sanction, and would receive every support from them if the House had a mind to test the feeling of the country on this matter. The Amendment he proposed was as follows:—

"That this House having learned with deep regret that the further progress of a Bill passed by this House for the repeal of the Duty of Excise on Paper manufactured in the United Kingdom, has been postponed by the House of Lords for six months, it is the opinion of this House that when the state of public business permits, Parliament ought not then to adjourn beyond November next, whereby another opportunity will be afforded to the House of Lords of considering whether the said Bill may not be then advantageously agreed to."

Nothing, he maintained, could be milder or more consistent with common sense than that. The hon. and learned Member for Marylebone (Mr. James) said that the object of the Motion in the House of Lords was to embarrass and hamper the Chancellor of the Exchequer, and to obstruct the financial arrangements he proposed; and hon. Gentlemen opposite gave their assent to that view by a smile and almost by a cheer. But the Chancellor of the Exchequer was really the last man who ought to complain of what had happened. Generally speaking, the Chancellor of the Exchequer had reason to complain only when any great deficit had been created which he had to supply; but in the present case a surplus had been thrust upon him which he did not require. He believed, however, that the House and the Government had a right to complain that when a financial scheme was sent up to the House of Lords, they did not, as they ought to have done, take all or none of it. The noble Lord at the head of the Government proposed to go in search of precedents. He would not follow the noble Lord in that wild-goose chase. He maintained that no precedent whatever was applicable to the present day. They lived in rather extraordinary times. They had a scheme of finance, including a commercial treaty with a foreign Power, and the repeal of the paper duty was part and parcel of it. The House of Lords had no business to separate one part from another. Looking to the state of affairs abroad, could any man say that a Continental war did not hang as it were by a thread? Great principles were coming into collision—the principles of constitutional freedom and the despotism of autocrats. The Emperor of the French was the first to set the ball rolling in Italy, and he fervently hoped that Garibaldi would be enabled to complete in the south that which the Emperor had so nobly commenced in the north. [*Cries of* "Question."] It was of importance who should be at the head of a country like England at such a moment. They must not have men who would play into the hands of the great autocrats of Europe. They must have men who would give a chance to constitutional freedom. No one could say whether to-morrow it would be peace or war, and it was of importance that the

financial schemes of the Government should not be lightly trifled with, as it had been by the House of Lords. It was quite right, according to constitutional law that the House of Lords should have the power to put a veto upon Bills which proceeded from this House, even Bills which applied to finance. From time immemorial money Bills had been sent up to the House of Lords, and if that House had not the power to put a veto on them, the House of Commons might insert in those Bills clauses affecting the rights, properties, and liberties of the subject. If the Lords had not the power of putting a veto, the Commons might put in a clause to abolish the bench of Bishops themselves. But from time immemorial, where the Bill was confined to a money Bill, the House of Lords had never deemed it right to reject or meddle with that Bill, as they had done upon this occasion. The noble Lord was going in search of precedents. He cared for none. He wanted no precedent. He knew what the House of Commons ought to do. He felt from the beginning—and the end of it in the House of Lords convinced him—that it was intended to insult this House. [*Cries of* "No."] Insult, he repeated, was intended from the manner in which it was done. [*Repeated Cries of* "No."] It was notorious to every man, woman, and child that when notice was given to postpone the Bill for six months by the Controller of the Exchequer, the late Prime Minister jumped up and said in effect, "Every foot which I can bring to bear shall assist to give that Bill a kick." It was a gratuitous avowal at the time, and he could consider it in no other light than an insult to this House. The people were beginning to look at in that point of view. [*Derisive Cheers from the Opposition.*] He said they were beginning to look at it in that point of view. For the moment the public took a pounds-shillings-and-pence view of the question, and thought the Lords were right to postpone this Bill; but they were now separating the two questions, and were beginning to consider the measure as it affects the right of taxation of the separation of which from the right of representation they were extremely jealous. They were beginning to look at it in that point of view, because they naturally said, "How is ever a tax to be repealed if this is quietly submitted to?" The House of Commons ought not quietly to submit to it. They owed a duty not only to themselves, but to those who would come after them, not to establish a precedent of this sort. They ought to put on record their sentiments, and he believed that if the House would do him the honour to take his Motion they might even now come to an understanding with the Lords upon the subject, and avoid any collision. At all events, it would be satisfactory to the country, and would prove that this House was ready and willing to maintain those privileges and those rights which the Constitution had conferred on them. It was with that view that he begged leave to move the Amendment which he had read.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House having learned with deep regret, that the further progress of a Bill passed by this House for "the repeal of the Duty of Excise on Paper manufactured in the United Kingdom," has been postponed by the House of Lords for six months, it is the opinion of this House that, when the state of the public business permits, Parliament ought not then to adjourn beyond November next, whereby another opportunity will be afforded to the House of Lords of considering whether the said Bill may not be then advantageously agreed to.'"

—instead thereof:

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. WHALLEY said, he rose to second the Amendment, with the more readiness because it appeared to be a proposition which, reserving entire respect and deference to the House of Lords, attributed to them the best possible motives for the course which they had been pleased to adopt. The main argument used in that House in favour of postponing the second reading for six months was that the state of the revenue would within a few weeks or months be such as to render the tax absolutely necessary for the exigencies of the country. The only objection which could be fairly offered to the Amendment was that they might find themselves in November in the same position in which they now were. He had prepared a notice, which he intended to put upon the Votes, by which that difficulty would be obviated. He looked upon this not as a question between this House and the House of Lords, but between this House and Her Majesty's Ministers. He had voted 10*d.* in the pound income tax upon the distinct understanding that the paper duty was to be repealed, and he asked the Go-

vernment how they could allow the House to separate with 10*d.* in the pound income tax and the paper duty not repealed, when it was a distinct understanding brought to the test of a division upon the Motion of the hon. Member for Somersetshire (Sir W. Miles) that the consideration for that amount of income tax was the repeal of the paper duty. The notice which he intended to place on the paper was this :—

"That this House considers that Her Majesty's Ministers stand pledged to this House and to the country to carry out the financial arrangements submitted by the Government and adopted by this House, and that it is the duty of the Government to advise Her Majesty to take such measures as may be necessary for passing a Bill for the Repeal of the Paper Duty through the House of Lords during the present Session.'

MR. BRIGHT: I have been sorry to observe, since this question has made its appearance before this House, that a few Members on the other side have been disposed to treat it as one of no importance. Now, if I were, unfortunately, a member of the party opposite, I hope I should be able to discover that there is something grave and important in this question, and in the position in which the House is placed with regard to it. I hope, also, that I should be able to dispossess my mind of any of those feelings which too often attend party triumphs, and which too often blind our eyes to the real consequences of the course we are taking. I presume that the noble Lord at the head of the Government and his Colleagues, who have a peculiar interest in the matter before us, do consider this a question of some moment; and I think the more it is brought before the House and discussed, the more the House will come to the same opinion. I agree with my hon. Friend the Member for Finsbury (Mr. T. Duncombe) in what he has said with respect to the growing opinion which is being manifested in the country with regard to it. Let hon. Gentlemen opposite bear in mind that never in the lifetime of the oldest Member of this House, or hardly in the lifetime of his father, has any great question arisen as to what may be termed the rights of the people through their representatives, or the rights of their representatives in this House. Generally men have assumed that certain things were irrevocably fixed; as, for example, that a man may travel in this country without a passport; or that a man's house cannot be broken into by the officers of the law without a warrant; or that if a man be apprehended he must be brought before some Judge or magistrate within a certain time, who may determine his case. These are questions which are fixed in the public mind, and men do not generally ask how they came to be fixed, but they take them as they take their daily bread, or their nightly sleep—as that which is natural and unchangeable in their condition. So with regard to this question of the administration of the finances of the country. Men have always understood, without being able to give chapter and verse for it any more than how it is they breathe, that the Chancellor of the Exchequer was an officer of the Government chosen by the Crown, and having the confidence of Parliament, especially of this House, for the purpose of arranging the finances of the country for the year, and they have always seen that, when the Chancellor of the Exchequer has brought his scheme before Parliament, and that scheme has received the assent of the House of Commons, it has invariably become law. Having seen that, and never having seen anything else, it is not to be wondered at that the great bulk of the people of this country have not instantly discovered, the very first day the Report of the division in the House of Lords went out, that there had been some serious infraction of the Constitution, and some great damage to the powers of this House, and to the liberties of those who pay taxes—taxes which are to be levied solely by the representatives of the people. And when at the same time there has been this unfortunate feature connected with this question, that the press, particularly the press of London, and that portion of it which is most ancient, which is the highest in price, and which has not undergone the revolution which is inevitably approaching the press—that the press of London, actuated, I will not say—by base motives, but actuated by alarms which we all can understand—has been anxious to cover the disaster which was attempted to be inflicted upon this House and the country, and has endeavoured to misrepresent the whole question to the nation. When we take this into our consideration, I say we may easily understand how it is that, within three or four days after the enactment of this great event, there has been no widespread expression of opinion throughout the length and breadth of the United Kingdom. But, judging from what I see in the provincial press—from private letters which I have received—from what is tak-

ing place in London now—and in some of the largest towns in the kingdom—I am perfectly satisfied that there will be existing in a few days a wide and almost universal discontent at the course which has been taken. And let the House believe me, as I think they will, when I say that, in considering this question, I have not, at this moment, the slightest regard to the importance of the particular tax which it was proposed to repeal. If it had been proposed to levy an additional Excise upon paper, and if that Bill had gone up to the House of Lords, and it had been rejected there as this Bill has been, I confess that I believe I should have been one of those who would have resisted, so far as I was able to resist, with all those with whom I sit in this House, an interference of that kind on the part of the other House of Parliament. And though I acknowledge myself for many years to have had a warm and growing interest in the question of the abolition of the duty upon paper, yet since that division has taken place, the question of the tax itself has fallen, as it were, into utter insignificance in my sight, as compared with the far graver question which the course taken by the House of Lords has opened to the consideration of Parliament and the country. Now, passing from these observations, which may be considered general, to the point which is strictly before us, I am willing to admit, that there is something to be said—perhaps a great deal—as to the ordinary course of proceeding, and the mode by which the noble Lord at the head of the Government intends to proceed to-night. The noble Lord has proposed a Committee, and if the House will exclude my name from it, I should say it was impossible to select eighteen names more calculated, I think, to represent the solid judgment of this House in any matter that might be referred to them. At the same time, I think there is some force in what has been said by the hon. and learned Gentleman, the Member for Southampton (Mr. D. Seymour), that a name or two more might have been chosen from this quarter of the House; but I am willing to believe that, from whatsoever quarter of the House the names are chosen to act upon this Committee, so far as an accurate search for precedents, and an honest Report to this House goes—there are no nineteen Members of this House who might not be entirely trusted to do what is just and right in this great matter. But I complain—and in this I agree to some extent with the hon. and learned Member—I complain of the vagueness of the reference under which the Committee will act. I think the noble Lord has laid himself open — I will not say to suspicion, for I am not anxious to cultivate such a feeling—but he has laid himself open to some doubt as to the earnestness of his concern when he proposes simply that the Committee should ascertain and Report upon the practice of each House with regard to several descriptions of Bills for imposing or repealing taxes. When I read those words this morning it occurred to me that I was very unlucky in being named upon this Committee, for I concluded that we should have in all probability to offer to the House, at least, a volume upon this grave subject. Now, if I had had the drawing up of this Resolution, it should have been different — it should have been more effectual, and it should have tended to keep the Committee more exactly and minutely to the point which is before the House. In a wide order of reference like this, every Gentleman, who has been in the habit of sitting upon Committees, must feel that there is some danger that the real pith and point of this question may be lost sight of. It appears to me that what we have to inquire into is this.—We find that the House of Lords has increased the taxation of the country during the present financial year without the consent of the House of Commons. Now, that is a grievance, if there be a grievance of which the House of Commons has to complain; and, as this question is not a question of the paper duty, of this Government, or of this Session, or of that Opposition, but is a question for years, it may be for generations—or it it may be for centuries in England, I hope I may appeal to hon. Gentlemen opposite to discuss and consider it as if it were a question which did not affect any of their party objects during this Session, but one to which they ought to direct their minds with a calmness demanded only by the greatest question that can come before a national legislature. Let me for one moment observe that the noble Lord states in this Resolution that the Committee are to Report upon the practice of each House with regard to several descriptions of Bills imposing or repealing taxes. Now, there are two descriptions of money Bills, which some people fancy are only one, but which are still two and very distinct. There are Bills which in former times have been passed

Mr. Bright

for the protection or fo the regulation of particular trades, and those Bills have had in them provisions imposing taxes on imports of one kind or other, not intended for the purpose of revenue, but intended for the higher and the chief object of the Bill, namely, the protection or the regulation of some particular trade or industry. Now, that is one description of Bill which may be called in a subordinate sense, a Money Bill; and there are Bills of that kind which, I take for granted, have been interfered with, in some cases have been altered, and, at least I presume, in some cases rejected by the other House of Parliament. But then comes that description of Bills in which the Bill now before us must be included—namely, a Bill for revenue purposes only, connected with the Ways and Means for the service of the Crown. Now, if I could have advised with regard to this Motion for this Committee, the reference would have been of a more distinct character, because I would have asked the Committee to ascertain whether the House of Lords has in a recent period —confine it, if you like, to the Revolution, though I believe it goes further back than that—has the House of Lords refused to give effect to any Bill passed by the Commons for the repeal of a tax which they no longer deemed necessary for the service of the Crown, and for which a substitute has been provided. I am told that in a great speech on this question in "another place" it has been asserted that no substitute has been provided for the loss of the duty on paper; and I have read in the newspapers that at a certain house in St. James's Square a Member of the other House of Parliament, of dominant influence there, apparently in discussing this matter with a large deputation, gave them to understand that he had never even so much as heard that a substitute had been talked of, or provided by the House of Commons for this paper duty. I cannot conceive of anything more unfortunate than that the finances of the country should be placed in the hands of a man so little observant of what is passing in this House, and who knows so little of what had been done by the great party in this House which acknowledges him as its leader. Certainly the hon. Member for Somersetshire (Sir W. Miles) must have felt very much astonished that the patriotic, though mistaken, efforts which he made received so little recognition at the hands of his leader. That hon. Gentleman moved this Resolution:—

"That as it appears that the repeal of the duty on paper will necessitate the addition of one penny in the pound to the income tax, it is the opinion of the House that such repeal is, under the circumstances, inexpedient."

As far as I recollect the speeches delivered from that (the Opposition) side of the House, the whole discussion during one long night went upon this—not that the paper duty is a good duty in itself, because we all admit that it ought to be repealed. Nobody was more enthusiastic for its abolition hereafter than the right hon. Gentleman the Member for Buckinghamshire, and now nobody is more enthusiastic than the right hon. Gentleman the Member for Hertfordshire (Sir E. B. Lytton); you all admit the duty to be a bad one, but you say for the time, at all events, that you prefer the continuance of the bad duty, to the addition of 1*d.* in the pound to the income tax, which so grievously oppresses persons whose incomes are under £200 or £300 a year. That was the argument of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and also of the right hon. Gentleman the Member for Hertfordshire, and it was the argument of every speaker on the Opposition side of the House; and it was the precise point on which the House went to a division. And in a House of more than 440 Members it was decided by a majority of fifty-three, that the paper duty should be abolished, and in lieu of it, and to supply the void occasioned by its removal, one penny in the pound should be added to the income tax. Now, that being so, let us not be told that a noble Lord elsewhere was in ignorance of this question having been discussed and decided, or that the House of Commons has provided a substitute for that paper duty it determined to repeal. I think, therefore, that the question that should be put to the Committee is this:—"Has the House of Lords refused to give effect within recent times—within such a period as fixed by law of Parliament —to a Bill passed by the Commons for the repeal of a tax no longer deemed necessary for the service of the Crown, and for which a substitute has been provided?" I object to the order of reference which has been proposed on these grounds. I think the noble Lord has not done justice to himself, to the Cabinet, of which he is the head, to this House, or to the strong claims of the country, which has so often maintained him in power, by not taking a line more decided on this great question. I am of opinion that the noble Lord has

taken a course which is not only perilous to this House, but one that may prove fatal to the Administration of which he is the chief. When the present Parliament assembled at the beginning of this Session after the general election, the noble Lord had only a nominal majority in this House; and it was only by thirteen votes that he was placed in his present position. I am satisfied that he can retain that position no longer than he retains the confidence of all those on this side of the House, by whose votes he has been heretofore supported, and by that great party in the country that is represented on these benches. With regard to the Amendment of the hon. Member for Finsbury, I can assure the House I had not seen it till I came into the House, and I confess that it is one that had never suggested itself to me in the remotest degree. But to my mind that Amendment is dictated by a very clear and visible regard for the Constitution of this country; and for the honour and just functions of both Houses of Parliament. It was received with something like merriment; but the more the House considers it, the more they will feel, I am satisfied, that it is the best mode of maintaining the supremacy of this House as to matters of finance, while, at the same time, it maintains the dignity of the House of Lords, which I am one of the last who would seek to impair. [*Laughter from the Opposition.*] Do not let hon. Gentlemen for one moment fancy that I wish any governing power in this country to be degraded. If I were an avowed Republican—if I thought that in this country monarchy was no good, and the aristocracy no good, still so long as there is monarchy, and so long as there is an hereditary chamber, I say by all means maintain their dignity, and support them, as far as you can, in the true and honest estimation of the people; advise them, as I advise them — though they sometimes think in an unfriendly tone—so to rule and exercise their power, that their power may be perpetual. My hon. Friend the Member for Finsbury does not ask the House, as I understand him, to take any active steps in this matter—he does not ask you to express any resentment against the House of Lords for what has been done —he does not ask the noble Lord at the head of the Government to vary from the statement made the other night, when he said that he was anxious not to do anything to bring the Houses of Parliament into collision. The Amendment of my hon. Friend is of a totally opposite character, and I think it can be shown that it is one which, if time were granted for its full consideration, would be likely to be received with considerable favour. I am not at all sure but it will be more desirable to leave this matter for consideration until we next meet, in order that the Amendment of my hon. Friend may be more fully and fairly considered, both by the Government and this House. The noble Lord and his colleagues might then come to the conclusion that it was a mode of getting out of the difficulty in which we are placed, consistent with the dignity, the interests, and the just rights of both Houses of Parliament, and of the people whom we represent. What the hon. Gentleman proposes is just this; that time and reconsideration, which as we all know in private affairs are the great mediators in differences, should act similarly between this House and the House of Lords; and the difficulties which now present themselves would thus be absolutely surmounted, without any unpleasantness or jar. I am not profoundly informed on this subject. I suppose I shall be if this Committee is appointed; but I suspect there are precedents in favour of the course my hon. Friend has proposed. I know there are precedents in favour of a course which is not, at all events, a greater deviation from the ordinary rule. There have been cases in which the House of Lords has rejected a Bill which the Commons had passed, and the Parliament has been prorogued for a week or a fortnight, and has met again, to enable the Government of the day to introduce for the second time the measure which, having been adopted by the Commons, was then sent up to receive the acceptance of the Lords. The hon. Gentleman does not propose that Parliament should be prorogued, or that the Session should be divided into two, for the purpose of enabling the Government to reintroduce the Bill; but he suggests that as soon as the business has terminated, the necessary adjournment of the House shall take place to November; and when the House assembles at that date it will be seen whether the House of Lords, upon reconsideration, and having discovered that the House of Commons is of opinion that the Bill may safely be passed, will not be disposed to accept the measure they have now resolved to postpone for six months. I would hope that the noble Lord, after what has taken place to-night, would not force the House to a division, either on his

Mr. Bright

Motion for a Committee, or on the Amendment of the hon. Member for Finsbury, but would probably think it only just and advantageous that the debate should be adjourned to Thursday, with a view of giving to both sides of the House and to all parties concerned an opportunity of coming to some decided opinion. I feel persuaded that the result of the discussion to-night will be satisfactory to the country, but I believe our decision will be still more so if the Government consent to the adjournment of the debate. I beg, therefore, to make this suggestion to the noble Lord, and with the permission of the House I shall move that this debate be adjourned till Thursday next.

Motion made, and Questioned proposed, "That the debate be now adjourned."

LORD JOHN RUSSELL: Sir, it is not because I underrate the importance of the subject that is now before the House that I ask the House to consent to the Motion of my noble Friend, and not to agree to either of the Amendments that have been proposed. It certainly appears to me that there has not been within my memory a question of greater importance than the question before us. It is a question which undoubtedly affects a most essential function of the House of Commons; but for that reason, and especially bearing in mind that which I always must bear in mind—namely, the reflection which my hon. Friend the Member for Birmingham made, that there is no reason to suppose that any portion or any section of the Members of this House are either indifferent or lukewarm to the maintenance of our most sacred privileges—I would endeavour to do that which should most enlighten the House without calling upon it to come to anything like a premature decision: and that is the character of the proposition of my noble Friend. My hon. Friend the Member for Birmingham says the Motion ought to have been of a different kind—that it should have been a proposal pointing out the difference of various kinds of taxes, and founding on that difference a reference to a Committee. Now, I will own to my hon. Friend that when I first considered this question I was disposed to take that view of it. There is undoubtedly a distinction—a very clear distinction—between different Bills. One set of these is for the purpose of imposing taxes or of relieving persons from taxation, and for providing those charges which are necessary for the supply of the year; and there is another kind of Bill in which the tax is merely incidental, as, for instance, where a very high duty in the nature of a prohibition is placed on foreign corn. There it would be obvious that the duty was imposed not for the purpose of revenue, but with a totally different object, and with a view to protection. In the same way, if a Bill placed a certain tax on barley used for distillation, the House of Lords might consider it a Bill, not for taxation, but for protection. Bills of this kind do undoubtedly exist; but it would not be advisable to make that distinction in our reference, because it might be supposed such a distinction did not leave the Committee totally free, and might lead to confusion. Besides, there are other descriptions of Bills besides those which my hon. Friend has mentioned, and to which I have alluded. Therefore it appears to me that the best and most prudent conclusion is that at which, after much deliberation, my noble Friend has arrived, that a Committee should be appointed to ascertain the difference between those various descriptions of Bills, and to point out the precedents that have been established in regard to them. Sir, those precedents, no doubt, will be found of various kinds; and it will be the business of the Committee to ascertain whether the House of Lords in this instance has gone beyond or varied from former precedents, and in what respects they have done so. There are certain questions connected with this subject of taxation upon which the House of Lords are jealous, and I think not unnaturally jealous, of their privileges. For instance, when this House has mixed with a Bill imposing taxation other questions not properly belonging to it—when they have endeavoured to fix upon points of legislation, and prescribed how these points should be settled, under the name of imposing or repealing a tax, the House of Lords have, I think, while making the admission as to the privileges of this House, rightly interfered to prevent any encroachment or any attempt on the part of the House of Commons to carry our privileges beyond the mark to which we ourselves press them. There is an instance in which that kind of objection did apply. I mention it only as an example; but it appears to have been on a question not totally dissimilar from the events of the present year—it was the case of a Bill passed by Mr. Pitt through the House after the negotiation of the Commercial Treaty with France in 1787. It was objected in the House of Lords by several noble Lords on that occasion that

in the Bill three separate subjects were combined—the Commercial Treaty with France was sanctioned; new taxes were imposed beyond the scope of the commercial treaty; and besides this there was a great consolidation of duties, making a new species of legislation with regard to customs. It was objected that those three subjects ought not to have been contained in one Bill, but the objection was overruled. I mention it only as an instance of the great jealousy of the House of Lords with regard to Bills which go beyond the purpose of imposing or relieving taxes; but as it is clear that upon subjects of this kind there are many precedents, and precedents applying to various descriptions of Bills, it would be wise, I think, in the House to furnish itself with every kind of information, and enlighten itself in reference to those historical questions, before it comes to any conclusion at all. There can be no harm in doing so. Our powers are very great. I, at least, am not one of those who think that the powers and privileges of the House of Commons are about to succumb to the authority of the House of Lords. I believe that our privileges will be maintained, and I do not think that, taking time for the consideration of what we shall do—giving ourselves every chance of deliberation, and taking care that we walk in the path of the Constitution—I do not think that that course will at all prevent our coming to a right and deliberate decision upon this question, Sir, my hon. Friend the Member for Finsbury has moved an Amendment upon my noble Friend's Motion, and that Amendment seems to me certainly to go not only beyond the question, but far beyond the question—because, while the fault that many of us find is, that the House of Lords has trenched upon the privileges of the House of Commons, my hon. Friend's Amendment proposes that the House of Commons should trench upon the prerogative of the Crown. It may be the right course—I will not argue the question now, but it may be the right course that her Majesty should be advised not to prorogue Parliament, but that a long adjournment should take place. I do not discuss the question whether that would be a right or a good course; but, in the first instance, it certainly would not be right, it would not be respectful, it would not be constitutional for this House to declare by Resolution that Her Majesty's prerogative of prorogation should not be exercised. I will read the Amendment to show what is the fault I find with it:—

Lord John Russell

"That it is the opinion of this House that when the state of public business permits, Parliament ought not then to adjourn beyond November next, whereby another opportunity will be afforded to the House of Lords of considering whether the said Bill may not be then advantageously agreed to."

I will not dispute whether that may be a right course or a wrong course; but it is quite evident that it would be to interfere with the prerogative that is usually exercised by the Crown in the prorogation of Parliament. I own it appears to me that, without altering any portion of the Motion—which comprehends everything, and yet commits no one to any particular course—this House might now fairly proceed to agree to my noble Friend's Motion, and, when the Report of the Committee is brought up, hon. Gentlemen, when considering the privileges of this House, may come to a conclusion more consonant with that which has been done in former times, and more bearing the symptoms and fruits of deliberation than any conclusion we can arrive at at the present moment.

Mr. CLAY said, he could not support the Amendment. The best means of obtaining a repeal of the paper duty might not be the best means, or any means, of vindicating the privileges of the House of Commons. Suppose the House of Lords, at the end of six months, altered its mind and passed the Bill it had postponed, how much nearer would the House of Commons be to knowing whether the House of Lords had, or had not, trenched on their privileges? He should, therefore, support the Motion for a Committee that would inform them of their rights, and whether they depended on written law or ancient usage. When the House knew its rights, let it maintain them. He hoped the noble Lord would not alter the terms of the reference, though he should not therefore withdraw his support from the Motion. He was quite content to trust the defence of the rights of the House to the noble Lord the Member for the City of London, than whom no man was better fitted by character, position, and name for the task.

Mr. H. BAILLIE said, he should support the Motion for Committee. If the hon. Member for Finsbury (Mr. Duncombe) was of opinion that the Lords had not virtually rejected the Bill, but had merely postponed it, and if that opinion was correct, then the House of Commons had no right to interfere in the matter at all.

Mr. WHALLEY said, he did not think that they were adopting the proper means for defending the privileges of the House.

For his part, he had not the least doubt that the result of inquiry would be to reduce the question between the two Houses to a mere matter of the letter of the Constitution, by which the constitutional compact between the House of Commons and the Government would be entirely evaded. They were not now dealing with merely the amount of the paper duty, they were dealing with some £40,000,000 or £50,000,000 a year, over which, if they assented to the power claimed by the House of Lords, they would practically lose all control. He believed that the course about to be taken would be perfectly futile, and that it would still further endanger the constitutional rights of the House.

MR. BRIGHT: I need hardly say that my object in moving the adjournment of the debate was not to impede in any way the progress of the business of the House. I did so because I thought it might be convenient to hon. Members opposite, as well as to some hon. Members sitting upon this side of the House, that the consideration of the question raised by the Motion of the noble Lord at the head of the Government should be postponed until after the recess. After the observations which have been made by the noble Lord the Member for London, however, which seemed to meet with general assent, and looking also to the state of my own feelings, which have been somewhat altered by what has been said, I shall, with the permission of the House, withdraw my Amendment. I should also like to put it to my hon. Friend the Member for Finsbury whether, seeing that it has been stated by the noble Lord that his Amendment would, if adopted, tend to interfere with the prerogative of the Crown, he would not consent to adopt a similar course.

Motion by leave *withdrawn.*

MR. T. S. DUNCOMBE: I think that, under all the circumstances, I shall ask the House to permit me to withdraw the Amendment. I do so on the distinct understanding that when the Committee shall have made its Report with regard to precedents, I shall then have an opportunity of again moving it if it appears desirable to do so. With regard to some remarks made by an hon. Member opposite—

MR. SPEAKER said, the hon. Member for Finsbury was not entitled to reply upon the question.

MR. KNIGHTLEY said, he should oppose the withdrawal of the Amendment of the hon. Member for Finsbury. He thought it ought to be negatived in a becoming manner. Besides it had not appeared on the Notice Paper.

MR. T. S. DUNCOMBE said, he was not aware until the evening before what course the noble Viscount proposed to take, and he had prepared his Amendment since he had read the notice of Motion on the Orders of the Day.

MR. H. B. SHERIDAN said, he would beg leave to ask whether, if the Committee were nominated, its numbers would not be enlarged. It would, he contended, be unfair to the two great sections on both sides of the House who sat below the gangway that they should not be represented upon it.

VISCOUNT PALMERSTON: I hope the hon. Member opposite will not persist in adopting the somewhat unusual course of stepping in to prevent an hon. Gentleman who has made a Motion of this nature from withdrawing it, and thus saving the House the trouble of dividing. With respect to the question of the enlargement of the Committee, I may say that in my opinion the best time to discuss it would be when the Motion for the appointment of the Committee has been agreed to, and when I propose, as I intend to do, that it should consist of a certain number.

MR. KNIGHTLEY said, he had not the smallest wish to force the House to a division, but he simply desired to see the Amendment negatived.

THE CHANCELLOR OF THE EXCHEQUER said, that the course taken by the hon. Member would not effect that object. According to the forms of the House the Question that would be put was "that the words proposed to be left out stand part of the Question." No decision on that Question would give a direct negative to the Amendment.

LORD JOHN MANNERS suggested to his hon. Friend the expediency of not pressing his objection to the withdrawal of the Amendment.

Amendment, by leave, *withdrawn.*

Original Question put, and *agreed to.*

VISCOUNT PALMERSTON thereupon moved that the Committee consist of nineteen Members.

Motion made, and Question proposed, "That the Committee do consist of nineteen Members."

MR. BRIGHT expressed a wish to know whether the noble Lord intended that the Committee should meet the next day, or

whether its sitting would be deferred until the reassembling of the House after the recess. It might be that some of the Members could not remain in town.

VISCOUNT PALMERSTON: I think it would be convenient to hon. Members who are to serve on the Committee generally, that the usual course should be followed, and that the Committee should not meet until after the recess. As to the question whether it should consist of more than nineteen Members, I can only say that I have no particular objection to enlarge it beyond that number. It is, however, perhaps better to defer the consideration of that point until the House reassembles.

LORD FERMOY said, he happened to be one of those who, out of consideration to the request of the noble Lord that no remarks should be made upon the main question, had hitherto abstained from making any remarks, merely for the purpose of allowing the noble Lord, as leader of the House of Commons, to declare his policy on the subject. However, he thought—and many hon. Members were of the same opinion—that some deference ought to be paid to the two important sections of hon. Members below the gangway, in the selection of the names to be placed on the Committee. He himself was opposed to the view of the noble Lord with respect to the appointment of a Committee, but as the House had decided upon following that course, it was unfair that any of the large sections of that House should be unrepresented. There were a large number of hon. Members who sat below the gangway who entertained strong opinions on the subject, and he put it to the noble Lord whether he would not, for their satisfaction, then give notice that he meant to add the names of some hon. Members below the gangway on both sides of the House to the Committee.

MR. WYLD said, he would move as an Amendment that the number of the Committee be increased by four Members, and that the number be twenty-three instead of nineteen.

MR. SOTHERON ESTCOURT said, that the Amendment was not regular. It was not competent for the hon. Member to move the enlargement of the Committee without giving notice of his intention. If, however, the nineteen Members proposed by the Government were appointed, the hon. Member could give notice of the names which he intended to move as an addition to the Committee. He did not think it would be wise to enlarge the Committee to the number proposed by the hon. Gentleman; but perhaps the noble Lord would have no objection to make an addition of two Members—one to be taken from each side of the House.

MR. ROEBUCK said, he did not agree with the right hon. Gentleman. According to the rules of the House, when a question was put from the Chair any Amendment might be proposed, and consequently the hon. Member for Bodmin was in order.

MR. H. B. SHERIDAN said, he thought the question for consideration by the Committee was of sufficient importance to warrant him in testing the principle that hon. Members below the gangway on either side of the House should be represented upon it; and with the view of giving an opportunity for further consideration of that point he begged to move that the debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."

MR. SPEAKER: Does any hon. Member second that Motion?

MR. DIGBY SEYMOUR: — Yes, I second it.

VISCOUNT PALMERSTON said, he hoped to meet the views of the hon. Gentlemen who had moved and seconded the adjournment by giving notice that on Thursday next he should move the addition of two members.

SIR JOHN PAKINGTON said, he had heard with great regret the decision of the noble Lord. Nothing was more inconvenient in practice than large Committees, and he was sorry to find there was a tendency to swell the numbers forming them. There was great difficulty in conducting the business when the number of members was large. He would rather the number in this instance had been fifteen instead of nineteen, but if the noble Lord was of opinion that it was desirable to increase that number to twenty-one, or even more, he (Sir John Pakington) would not oppose it. He highly approved of the fairness that had been displayed in the constitution of the Committee as regarded the balance of the two parties in the House. It was such as no one could take an exception to. As was usual when a Committee was moved for by a Government, ten members had been selected from the Government side of the House and nine from the other side, which was as near an approach to equality as was possible under the circumstances.

He hoped the noble Lord, inmaking an addition to the numbers, would not take them all from the Government side of the House.

SIR GEORGE GREY said, his noble Friend did not say that he intended to take them from the Government side of the House. It was suggested that one should be taken from each side below the gangway, and his noble Friend in what he had consented to do believed he was acting in accordance with the general usage of the House, and he (Sir George Grey) was surprised to hear any objection to it, especially as it was a proposition that met with the approval and support of the right hon. Member for North Wiltshire (Mr. S. Estcourt). It was competent for the House then to decide the number should be twenty-one instead of nineteen, but it was not usual to name the members until after notice had been given. His noble Friend proposed to place the names on the paper that evening, and submit them to the House on their re-assembling after the recess.

SIR HENRY WILLOUGHBY said, he did not think the constitution of Committees was placed on a right basis. There were too many official Gentlemen, not fewer than twelve, who are or had been Cabinet Ministers, on this Committee. The various sections of opinion in that House could not be fairly represented with such a predominance of official members.

MR. H. B. SHERIDAN said, that on the understanding that the two additional members to be moved on Thursday should be taken from below the gangway, he would withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn.*

MR. WYLD said, he would also withdraw his Motion. His object in moving it had been to assert what he considered to be a right. Hon. Members below the gangway were always ready to support the Government when they felt they could do so consistently with principle. The Committee about to be appointed was one upon a subject which greatly affected their privileges, and they were entitled to be represented upon it. He had no intention to find fault with the constitution of the Committee.

Amendment, by leave, *withdrawn.*

Original Motion, by leave, *withdrawn.*

Ordered, That the Committee do consist of twenty-one Members.

Committee *nominated:* — Viscount PALMERSTON, Mr. DISRAELI, Mr. CHANCELLOR of the EXCHEQUER, Mr. WALPOLE, Lord JOHN RUSSELL, Mr. ESTCOURT, Sir GEORGE GREY, Sir JOHN PAKINGTON, Sir JAMES GRAHAM, Mr. HENLEY, Mr. EDWARD PLEYDELL BOUVERIE, Colonel WILSON PATTEN, Mr. MASSEY, Mr. BENTINCK, Mr. BRIGHT, Mr. ATTORNEY GENERAL, Sir HUGH CAIRNS, Mr. MORE O'FERRALL, and Sir WILLIAM HEATHCOTE; —Power to send for persons, papers, and records. Five to be the quorum.

On Motion that the House at its rising do adjourn to Thursday next,

GLOUCESTER AND WAKEFIELD.

QUESTION.

MR. T. S. DUNCOMBE said, he begged to call the attention of the Home Secretary to the question which stood upon the paper in his name. He maintained that the House had no right to suspend the issuing of the writ for the boroughs of Gloucester and Wakefield, upon the ground that there was nothing before the House to warrant that procedure. He himself had moved at an early period of the Session a Resolution in that House which would have had the effect of giving the House a ground upon which to suspend the issuing of the writs. He had proposed to bring in a Bill to enable the constituency of those two places to exercise their franchise under the protection of the ballot. While that Bill was pending it would, no doubt, have been perfectly constitutional to suspend the issue of the writs; but the House had not thought proper to adopt that Motion. Upon what ground, then, could the House suspend the issuing of the writ. There was no ground except the pleasure of Her Majesty's Government. Whenever writs had been suspended, a Motion had always been before the House in reference to some case of alleged bribery. No proceeding of the sort was then before the House. On that account he asked the right hon. Gentleman under what authority and for what purpose he was withholding these writs. It was quite true that the executive of the Crown was invested with the power of issuing writs; but why was it invested with that power? For the purpose, he maintained, of expediting the matter, and not for delay. The House had enfranchised by an Act of Parliament the boroughs of Gloucester and Wakefield, and that being so, nothing but an Act of Parliament could deprive them of their right to be represented. Unless, therefore, the House were prepared to disfranchise them, or to enlarge the limits of those boroughs, it had no right to suspend the issuing of the

writs. As to Gloucester, a Report had been made by the Commission which completely exculpated both the candidates from bribery, and these gentlemen had received certificates. As to Wakefield, both the late Member and the opposing candidate were at that moment under an order for prosecution for a misdemeanour. He would ask, could two-thirds of that House with clean hands order the late Member to be prosecuted? He hoped no prosecution would take place. It would do no possible good. If such prosecutions were right, why had they not taken place in the instances of Canterbury, Cambridge, Maldon, Barnstaple, and Hull? In the case of those boroughs, Commissioners were appointed, and reported that both bribery and intimidation had taken place; but the Members had not been prosecuted. Why should they now turn round and prosecute, when the individual, as far as they could judge, had given his evidence candidly before the Commissioners? The Corrupt Practices Act and the Act that enabled Parliament to issue those Commissions, were not passed for the purpose of prosecuting individuals, but for the purpose of ascertaining the extent of the bribery, corruption, and intimidation that prevailed in certain boroughs, with the view of seeing if some remedy could not be discovered by which that bribery, corruption, and intimidation might hereafter be prevented. The Acts were not directed against individuals, but they now proposed to satisfy themselves with prosecuting individuals instead of going into the whole question. To prosecute Mr. Leatham and Mr. Charlesworth was an act really unworthy of the House, and he hoped that the hon. and learned Attorney General would move that the order be discharged. He begged leave to ask the Secretary of State for the Home Department if, in consequence of the bribery and corruption reported to prevail at Elections for the City of Gloucester and the Borough of Wakefield, Her Majesty's Government has anything to propose upon the subject; if not, by what right, and for what purpose, he delays the issue of New Writs to those places?

MR. MONCKTON MILNES: Sir, before any Member of the Government rises to answer this question, I wish to say, locally interested as I am, and having had a long personal connection with one of the boroughs to which my hon. Friend has alluded, I cannot agree with him that the suspension of these writs, for the present at least, is not demanded both by public opinion and public justice. I believe that suspension is in itself a very severe punishment, and is felt to be so by the constituencies which have thus offended, and that it is also a punishment of the right kind. The offence is solely one of a political nature, and the punishment ought likewise to be solely political. I cannot, therefore, help thinking that the selection of one or two gentlemen of no especial culpability or viciousness of character, in order to hold them up as objects of public obloquy, is not a dignified proceeding on the part of this House, nor one likely to lead to any remedy for this great public evil. But in this case the painful position of these two gentlemen, with both of whom I have the honour to be personally acquainted, is most seriously aggravated by the peculiar constitution of the Commissions appointed by the House for inquiring into the corruption of delinquent boroughs, because by the very fact of issuing such a Commission, with its form of process, you hold out every inducement to the persons examined before it to make a clean breast and give every evidence in their power, even, it may be, against themselves. What is the meaning of that? Why, that much as you regret individual error, much as you abhor that low tone of political morality which allows men to traffic in votes themselves, or to incite others to do so, nevertheless your end is a public, not a personal one, and therefore you, as it were, encourage these avowals of past political delinquency to secure a future public good. But in refusing these two gentlemen those certificates of legal impunity which in these cases are generally so freely given, you not only render them liable to the unhappy consequences of a penal prosecution, but—which is far more serious—you imply that they have not acted honourably in the face of the Commission, and have not told it all that they knew about the matter. Now, from my personal knowledge of these gentlemen, I am convinced that the fact is quite different; that, whatever may have been their political errors, yet, appearing as they did before these Commissioners, and being asked as gentlemen to disclose on their honour what they had done, the evidence they gave was the truth and the entire truth. Therefore I would appeal to the Government not to press so cruelly and so partially on these two persons; because I am certain the public effects of such a harsh course will not be good; but

that, on the contrary, it will be said there is some hypocrisy in the conduct of this House, that we are not acting sincerely or simply from a wish to eradicate this evil, but are ready to sacrifice two unfortunate gentlemen who may, from some accidental circumstance, have rendered themselves specially obnoxious to the law, and that we are doing this instead of endeavouring to discover, through the highest political sagacity we possess, by what means we can extirpate this disorder from the State. I implore the Government, then, not to continue a prosecution so unworthy both of themselves and of this House, but rather to set about the search for a remedy by totally different measures.

MR. DARBY GRIFFITH said, the noble Lord the Member for the City had acknowledged, in 1852, that the most appropriate way of dealing with such cases was to transfer the franchise from a borough proved to be corrupt, to another locality, and he considered that there was more justice in that proposition than in what had been urged by the noble Lord at a later period. Anything less than a suspension of the writs for ten years in the case of the peccant boroughs would be an inadequate punishment for their delinquencies. Indeed, it would be better to transfer their franchises altogether to other and purer constituencies. If such grave constitutional offences were to be treated with leniency, the country would put no faith in the sincerity of the House's professed abhorrence of electoral corruption. To suspend the writs, as had been proposed, merely till another Session, when it was intended that the franchise should be brought down to a lower and, if possible, even more venal class of voters than at present, would be to condone and encourage that very corruption which they all professed so much anxiety to repress.

MAJOR EDWARDS said, he entirely concurred with everything that had fallen from the hon. Member for Pontefract (Mr. M. Milnes). He happened to be well acquainted with both of the individuals who were the subject of that discussion, and he was satisfied that what they had already suffered through the prosecution hanging over them was quite sufficient punishment for whatever offences they might be supposed to have committed. He was therefore persuaded that the hon. and learned Attorney General would gratify every Member on both sides of the House if he were to rise and announce that the legal period for it having now expired this prosecution would not be carried any further.

MR. COLLINS said, he hoped the Government would not consent to the issue of the writs for either of these boroughs during the present Parliament. There were grave objections, however, to their disfranchisement. The hon. Members for Glocestershire and the West Riding of Yorkshire doubtless would not like to have these corrupt towns merged in their respective constituencies. It would be better to suspend the writ for five years.

SIR HUGH CAIRNS: I wish to call the attention of the House to one view of this case, which appears to me of great importance, and with regard to which we may find ourselves in a difficulty if we proceed without considering well the course about to be taken. I shall not now say a word as to the general question of the best and most philosophical mode of treating boroughs which have been found guilty of great corruption. I wish to speak of an entirely different subject. My hon. and learned Friend the Attorney General a few nights ago informed the House, in answer, I think, to a question, that even although the time had expired for what we may call the statutory prosecution of the candidates at the late election for one of these boroughs, he believed, I dare say most correctly, there was room for an indictment against them for misdemeanour at common law, and that it would be his duty, as he conceived, to direct such an indictment to be brought forward. Now, it is very important that we should not, from a desire existing, no doubt, upon both sides of the House to repress corrupt practices of this kind, take a step which may have, or which may be represented out of doors as having the appearance of very great injustice towards these two gentlemen. I have not the honour of the acquaintance of either of those gentlemen, and I am only anxious to prevent the House committing an injustice by proceeding rashly in this matter. The House has often had its attention called to the Act of 1852, which authorized the making of these inquiries into corrupt practices at elections, and it knows that very precise and somewhat unusual clauses were introduced, and certainly not the least conspicuous of them is the clause which holds out to every person who may be called upon to give evidence before these Commissions the promise that if he gives full and fair evidence he shall be protected from all penal consequences what-

ever. That clause is so strong that I hope the House will allow me to read it. It runs as follows:—

"IX. For the more effectually prosecuting any inquiry under this Act, every person who has been engaged in any corrupt practice at or connected with any election of Members or a Member to serve in Parliament for any county, division of a county, city, borough, University, or place to which any inquiry under this Act relates, and who is examined as a witness, and gives evidence touching such corrupt practice before the Commissioners appointed under this Act to make such inquiry, and who upon such examination makes a true discovery to the best of his knowledge touching all things to which he is so examined, shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions, to which he may have been or may become liable or subject at the suit of Her Majesty, her heirs, or successors, or any other person, for anything done by such person or persons in respect of such corrupt practice; and no person shall be excused from answering any question put to him by such Commissioners on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person."

Observe what is the consequence of that. You tell all persons who are summoned to give evidence before the Commission that, provided they make a full and fair discovery of everything, to the best of their knowledge, they shall be indemnified against every possible consequence that may happen; and more, that they are not to have that which is the ordinary protection of every subject of the realm, they are not to be allowed to refuse to answer a question on the ground that the answer may criminate them. They cannot do what the meanest witness in any of the courts of criminal jurisdiction can do; they cannot say, "I decline to answer that question because my reply may subject me to criminal prosecution." The answer would be, "No, it won't; if you tell the truth as to what you know you are indemnified by the clause in the Act of Parliament." The question may arise. "Is not that sufficient? How can there be any room for a prosecution against these gentlemen?" The only room for a prosecution arises from the next section, which provides that, in order to make their indemnity perfect, in order to enable them to plead it before the courts, they are to have a certificate under the hands of the Commissioners. Now, I apprehend that the meaning of that clause was clearly this, that the Commissioners who took the evidence should judge whether the witness who gave the evidence had made a full and fair discovery of everything within his knowledge before they gave the certificate in question. Now, what has happened in the case of the Wakefield election? Two gentlemen who were candidates at that election were examined at great length and in great detail before the Commissioners. I have looked only cursorily at the report of their examinations; but it does seem to me that nothing appears upon the face of the proceedings which would enable any one reading the evidence to say that the persons giving it had not made a full and fair disclosure to the best of their knowledge. The Commissioners may have thought differently; the certificates have not been given to those two gentlemen. Now, my proposition is this:—I do not wish the House to limit the power of the Commissioners as to giving or refusing these certificates; but I do ask that when upon the face of the proceedings, as reported by the Commissioners, and laid before us, a witness appears to have made a full disclosure, but no certificate has been given to him, the House shall not make itself a party to his prosecution, without requiring the Commissioners to state why they refused to give him the certificate. In this case the Commissioners have made their Report, and have assigned no reason whatever for refusing these certificates. They have not said, "No matter what may appear upon the evidence, the air and manner of the witnesses were such as to lead to the belief that they had not made a true discovery, to the best of their knowledge, touching the things upon which they were examined." Had the Commissioners made such a Report to Her Majesty, I have no doubt that the House would have been satisfied with it, and would have given them credit for having formed a true judgment. But what I say is, that it behoves the House of Commons, before it directs, or invites, or urges a prosecution of these gentlemen, to have made known to it, in some way, why it was that they were deprived of that large promise and inducement, which is held out, before examination, to witnesses, on condition that they answer truly and to the best of their knowledge. Just observe the position in which these gentlemen are placed. They cannot go to any Court of Appeal from the Commissioners, and say, "We ought to have had certificates, but have not got them;" nor could they, before giving their evidence, demand their certificates, because the Act of Parliament says, "You cannot have a certificate until you have given your

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evidence." Therefore, this is the state of things. The Commissioners refuse the certificates without assigning any reason; and these gentlemen have no appeal, have no means of insisting upon those certificates being given to them. They have done all they could. They have given all the evidence which they might have refused to give, had it not been for this Act of Parliament, and they are now left to a prosecution, which this House urges the Attorney General to undertake. I know there is no man in the House whose feelings of justice and propriety might better be trusted, than might those of my hon. and learned Friend, and I put it not only to the House, but also to him—although I know that in this matter he is acting more upon what appears to be the wish of the House, than upon any opinion or judgment of his own—whether the House of Commons, if it encourages or urges on this prosecution, may not be doing an act of the grossest injustice. It may be that there was a good reason for refusing these certificates; but the Commissioners have assigned none, and I say that, from all that appears upon their Report, we must presume that the witnesses gave their evidence upon the faith of this Parliamentary contract, and that they gave it fairly and truthfully; because I do not find that the Commissioners anywhere censure them for giving testimony of a different kind. If that is so, do not, for goodness' sake, let us, affecting a desire to punish and repress bribery and corruption —which I have no doubt we all feel—do not let us, simply because we can lay our fingers upon two individuals, urge a prosecution against them; at all events, without knowing why it is that they have not got the protection which the Act of Parliament promised them.

MR. MALINS said, he took very much the same view as his hon. and learned Friend who had just sat down; but he wished to add to his statement a fact which he considered to be of great importance. His hon. and learned Friend was right in stating that the Commissioners had not assigned their reasons for refusing their certificate; but he (Mr. Malins) had been informed by Mr. Serjeant Pigott, the senior Commissioner upon the Wakefield inquiry, that he thought that Mr. Leatham ought to have had his certificate, but that it was refused in consequence of the other two Commissioners, Messrs. Willes and Slade, being of a different opinion. The section quoted by his hon. and learned Friend amounted in reality to a Parliamentary contract with any person whom it might induce to give evidence, for if it were not so, let them consider what would be the position of persons who gave their evidence before the Commissioners. Having come there on the faith of a Parliamentary contract, and made a full disclosure of everything he knew, the witness would find himself at the mercy of the Commissioners, who might rightly or wrongly refuse the certificate. Now, in the case before the House, the chief Commissioner might have been wrong, and the junior Commissioner might have been right; but a higher question was raised, and that was whether, there being clearly a doubt, the House would not, acting on the well-known principle of the law, take a merciful view of the case, and giving the accused the benefit of the doubt, withdraw from the prosecution? He wished something could be done to show the determination of the House to prevent the continuance of bribery and corruption; still they were bound to act mercifully, not harshly, and above all they were bound to bear in mind the Parliamentary contract which the Act of Parliament made with the witnesses. There was another point he wished to press on the attention of his hon. and learned Friend the Attorney General. When, in the course of the debate, upon the issuing of the Berwick Commission, he referred to what had taken place at Wakefield, he by no means intended to urge upon the Government that they should undertake a prosecution which, if instituted at all, ought to have been instituted directly the facts became known. The 14th section of the Corrupt Practices Prevention Act provided that all proceedings under it should be commenced within a year after the Commission of the offence; but all these transactions occurred in April, 1859, and therefore the year had already expired. He submitted that the Government would not be justified in instituting a prosecution where there was a serious doubt whether the result would be favourable, and upon the whole he was decidedly of opinion that no further proceedings should be taken against individuals in the present case.

MR. MELLOR said, he took a somewhat different view of the reasons which ought to influence the House in its consideration of this matter, from his hon. and learned Friends opposite, though he arrived at pretty much the same conclusion. It appeared to him that an election Commission

was intended to be, not a mere instrument for the prosecution of individuals for bribery, but a body to ascertain the extent to which corruption might prevail in a particular borough, with a view to legislative action. He therefore believed that it would be attended with the greatest danger to the success of such Commissions, if the strictest faith was not kept with the parties who came before the Commissioners to give evidence. In that particular case he had looked into the evidence, and he was at a loss to discover the grounds upon which a certificate was refused to Mr. Leatham. The differences of opinion between the Commissioners, stated by his hon. and learned Friend, were an additional reason why the prosecution should not be carried on; and he was certain that great mischief and inconvenience would occur if it were undertaken. As to the issue of the writ, it was known to every body that the Corrupt Practices Committee had recommended that for the future, when extensive bribery had been found to prevail in a borough, the writ should be suspended for a period of five years, without prejudice to the right of the House to take stronger measures by way of whole or partial disfranchisement. His chief regret was that hitherto the House had not disfranchised the borough where extensive bribery had prevailed, transferring the privilege to some other place; and, at all events, he hoped that in the present instance the Attorney General would seriously consider whether it could with propriety institute prosecutions against individuals.

Mr. EDWIN JAMES said, he fully concurred in the statement of the law given by the hon. and learned Member for Belfast (Sir H. Cairns), and he had the authority of Mr. Serjeant Pigott for stating that, in his opinion, certificates ought to have been granted upon the ground that when the Commission was opened the parties were informed that if they came forward and made a full disclosure the Commissioners had power, under the Act of Parliament, to grant them certificates of indemnity. There would be great difficulty before a special jury in Westminster Hall in convicting any gentleman to whom it had been held out that if he made a full disclosure a certificate of indemnity would be granted. If a magistrate went into the cell of a prisoner and assured him that if he made a disclosure of the crime alleged against him he would receive a certificate of indemnity, no Judge on the bench would allow a statement so obtained to be recorded against the prisoner on a criminal trial.

The ATTORNEY GENERAL: The Addresses to which the House has listened have certainly placed me in a very painful position, because I must speak to you in a manner which must appear rather ungracious after the speeches you have heard from my hon. and learned Friends. They have told you things which are highly creditable to their humanity, their feelings as Gentlemen, and their kind consideration of the circumstances of the case; but undoubtedly not creditable to their reputation as lawyers. I have not heard a single argument broached that would for one moment be listened to in a court of law; but at the same time there have been many observations made, which, on the ground of humanity, may well be deemed worthy of attention in an assembly of Gentlemen. But you must remember that you have placed me in a false position, because you have delivered Addresses concluding with no Resolution. If the House has heard sufficient to influence their decision, declare an opinion at once that, under the circumstances, it is the duty of the Attorney General not to proceed with these prosecutions against individuals. No man in the House would more joyfully acquiesce in that conclusion than I; but it is impossible for you to leave me exposed to the whole weight of a public duty, and imagine that I can feel myself adequately discharged from that onerous obligation in consequence of certain Gentlemen, however much they may be entitled to respect and attention, having addressed a few speeches to the House characterized by feelings of humanity, kindness and forbearance. I cannot act upon addresses, however generous and humane; but if any hon. Gentleman will come forward with a Resolution, I shall certainly not oppose a single word to its adoption by the House. One or two points have been mooted, upon which I may be permitted to make a few remarks. Nothing is more to be deprecated than that you should constitute yourselves a Court of Appeal from any description of judicial authority, and I am extremely sorry that the kindly feelings of the hon. and learned Member for Belfast should have induced him to forget the lawyer in the man, because, undoubtedly, election Commissioners are armed with a great judicial authority. I am sorry to find that one of them has made that communication to which the hon. and learned Member for Marylebone (Mr. James)

has referred, because he was bound by every consideration not to impeach the judgment which the majority of his colleagues gave, and my hon. and learned Friend (Mr. James) will permit me to say that so unadvised and indiscreet a communication ought not to have been stated to this House. [Mr. E. JAMES: I had his authority for stating it.] Then I regret it the more, because he was in a minority of three Judges, and he was bound to uphold the judicial decision which the majority had pronounced, and not to impugn it. But, I repeat, you should not constitute yourselves a Court of Appeal from those to whom you have intrusted a judicial duty. If you do so, who in future will be found willing to undertake that duty? Nor, I submit, can you properly call upon the Commissioners to state the grounds of their decision! You might as well call upon the Court of Queen's Bench to explain the reasons of their judgment in a particular case. You cannot sit in judgment on the Commissioners. They can determine what is committed to them by law, can judge of the credibility of a witness not only by the terms in which he couches his answers, but by his demeanour and appearance before them, and you have not the means of deciding as to the manner in which they discharge their duty. What the Act of Parliament has done is this:—the certificate of the Commissioners is the only evidence which the law permits to be offered that a witness has given satisfactory answers to the questions put to him. If a witness does not obtain that certificate, the law is bound to conclude that in the judgment of the Commissioners the witness was not entitled to the indemnity, though the Act of Parliament prevents his evidence being used against him. Therefore you do him no injury. You do not give him the indemnity, but at the same time what he has said is not to be used against him. The Act of Parliament itself protects him against any prosecution based upon evidence given by him the tendency of which would be to criminate himself.

SIR HUGH CAIRNS: Is that so?

THE ATTORNEY GENERAL: Yes, that is so.

SIR HUGH CAIRNS: I do not find it in the Act.

THE ATTORNEY GENERAL: Yes, it is so, undoubtedly. And when my hon. and learned Friend speaks of the senior Commissioner reading the Act of Parliament to the witnesses, as if that would make any difference, I am astonished at his observations. The Act of Parliament is known to every one, and it cannot affect the case one way or other whether it was read or not read to the witnesses by the Commissioners. Another element for our consideration, however, has been introduced in the course of the discussion—namely, that it is doubtful whether the time has not expired within which a prosecution ought properly to be instituted. If there were any doubt upon that point in my own mind, or in the mind of those to whom I have resorted for assistance, I should be most glad to give the accused persons all the advantage of it; but I have not the slightest doubt with respect to it. The limitation of time has no application to a criminal prosecution for misdemeanour; and the hon. and learned Member for Belfast misunderstood what I stated the other night. What I then said was, that I should prosecute for misdemeanour under the statute. If I had a doubt of the propriety of that mode of proceeding, I should not hesitate to resort to the common law; but I have no doubt, and, therefore, the prosecution will be under the statute. If I am wrong, though I think I am not, the accused will have the benefit of the error and will be protected by the Act of Parliament. The hon. and learned Member also spoke of the prosecution as if it had been directed by the House. [Sir H. CAIRNS was understood to explain that he said that it was urged, not ordered, by the House.] It was, indeed, urged by the House on a variety of occasions, unless this House has been guilty of the most solemn mockery and hypocrisy. You have urged it by passing the statute. Is that Act to be a real thing, or a mere piece of hypocrisy and imposition on the public? It has been urged again and again, and by no one more earnestly than by the hon. and learned Member for Wallingford (Mr. Malins), who blamed the Government for issuing Commissions which were productive of no good at all. And why were they productive of no good? Because, when the time comes for action, the House of Commons shrinks from enforcing the statute, and there is no one here who will throw the first stone. If that is to be the principle on which you act, confess it, be consistent, and repeal the Acts. But while those Acts of Parliament remain, and you have returned to you a mass of evidence which proves that there has been corruption in the grossest, most extrava-

gant, and exaggerated manner, while this is brought publicly to the notice of the Attorney General, and the Attorney General is willing to perform his duty, I say you must allow him to perform it. Undoubtedly, you will be glad that those things which you affect to treasure so highly — namely, your enactments — are about to be tried, and that it will be shown whether this statute was passed for a real purpose or not. Such is the question, I say, that is about to be tried, and will be tried unless you come in to the rescue of those who are accused, and by a Resolution of the House, take off from the Attorney General that responsibility from which, as an individual, he would be most thankful and most happy to be relieved. Sir, I have undertaken this duty, as I hope everybody will give me the credit for, most unwillingly; but the conviction has been forced on me that unless the whole thing is to be given up as a farce and a piece of hypocrisy, it is my bounden duty, in the position I occupy, having first ascertained that I have, as I believe I have, all the materials for a conviction, to enforce the law. But, now, remember, you introduce an exceptional case with regard to Mr. Leatham. It may be, and I think it was, a very hard case. But remember this—if you pass a Resolution with respect to Mr. Leatham—

SIR HUGH CAIRNS: I did not allude to him particularly. I spoke of both.

MR. MALINS: It was I who particularly mentioned Mr. Leatham.

THE ATTORNEY GENERAL: Well, what I wish you to understand is this—that if you choose to take exception to the judgment of the Commissioners in the case of Mr. Leatham, I decline to prosecute any of them. For how can I tell that they may not have erred as greatly with regard to the rest as with respect to him? I will tell you what I have done. I have selected eight of the greatest culprits (using that word as denoting the greatest delinquents according to the evidence before me), and I have taken them without any difference or distinction, other than that four have been selected from the one side of politics and four from the other. Within two days, proceedings, I trust, will be commenced against them. I shall commit the prosecution of the four belonging to the one side to gentlemen of the bar, who are generally supposed to be of the opposite persuasion in politics, observing a similar impartiality with reference to the other four. That is the step which, as Attorney General, I shall take, though I repeat I shall be most happy to relinquish the prosecution under the authority of an express declaration by this House.

MR. WALPOLE: Sir, I shall not address the House with respect to any particular case, but, understanding this matter was coming forward, I have looked into the evidence and considered the Act of Parliament, and the result of my reflection is, not that my hon. and learned Friend the Attorney General is departing from his duty in what he proposes to do, still less in the reasons he has assigned, but that if these prosecutions be pressed, two consequences must follow:—one, the perpetration of a great act of injustice; and the other, the risk of defeating the objects of the Act of Parliament. I will state my reasons for these two conclusions. I think that the Attorney General has not accurately represented the operation of the Act of Parliament in one particular. If I understand the Act rightly, there can be no defence to any prosecution for bribery instituted against persons who have given evidence before the Commissioners, except pleading the certificate given by the Commissioners, for the Act distinctly says, that where any person is examined before the Commissioners, such witness shall not be indemnified under the Act, unless he receives from the Commissioners a certificate in writing under their hands that he has made a true disclosure touching all things on which he was examined. Therefore, any admission which a witness has made against himself will be used against him, unless he has the indemnity secured by the certificate. The Attorney General seemed to think that under the 9th section of the Act the witness is protected from all the consequences of an admission against himself, that section declaring that the witness shall be free from all penalties, actions, forfeitures, disabilities, and criminal prosecutions. But he is only to be free from them, according to the same section, if on examination he makes a true disclosure of facts, and the only mode of testing that point is by the certificate of the Commissioners. If, therefore, the certificate is withheld, a prosecution may be instituted and a man may be convicted on admissions made by himself, although he is bound as a witness before the Commissioners to answer every question, notwithstanding that the answers may tend to criminate himself. If that be the true construction of the sta-

tute, only conceive what you are about to do. You not only induce witnesses to come forward to disclose bribery and corruption, but you also say that those witnesses shall not be entitled to the ordinary protection which every accused person in this country has of not answering a single question tending to criminate himself. Can that be a proper course either for the House or the Attorney General to pursue, if you mean to make use of the Act for the fair purpose of stopping corruption, but not for prosecuting individuals with undue severity on account of admissions which they would not have made if they had not thought themselves entitled to protection? I quite agree if a witness before the Commissioners had apparently not made a true disclosure, had prevaricated, and kept back the truth, then protection should not be extended to him; but in the Report of the Commissioners with respect to this particular case there is not one tittle of evidence to show that these persons from whom certificates were withheld had prevaricated or abstained from disclosing the truth so far as it was within their own knowledge. If so, they have performed their part of the Parliamentary contract, and we are bound to perform ours. Now, I have read the evidence of Mr. Leatham. I cannot say that, according to the evidence, Mr. Leatham has behaved with discretion or with prudence; and anybody may well suppose that he was led into the commission of acts for which he must now himself be sorry. But I cannot find one word in the evidence which tends to show that Mr. Leatham kept back any facts which it was important for the Commissioners to learn. If he has given a truthful relation of facts, you may make use of them and derive benefit from them in dealing with the case of Wakefield; but, assuming their truth, I think Mr. Leatham is entitled to a certificate of indemnity. See what the consequences of such a prosecution will be as regards the statute, and the offence to which the statute applies. If you proceed against the persons from whom a certificate is withheld, they not being open to the charge of having given unsatisfactory evidence, what witnesses will you ever get to come before such Commissions for the future? Your hands will henceforth be tied, the whole object of the Act of Parliament will be frustrated; you will have no means of ascertaining whether corruption exists or not, if you institute such prosecutions. The Attorney General says, and very properly, that he ought not to be put in a position where he may be reproached for not prosecuting, when, in point of fact, he is willing to discharge that duty. In this I quite agree with him, and think he would be quite justified in going on with the prosecution, until, at all events, good reasons were adduced in this House to satisfy him that an injustice would be perpetrated if it were allowed to continue. I believe that an injustice would be committed by a conviction obtained through evidence given in the belief that the parties concerned would receive a certificate of indemnity; and believing that, I will not be a party to such a prosecution, but will join with those who have urged the Attorney General not to proceed any further in this matter. If blame is to attach to anybody, let it attach, not to the Attorney General or the Government, but to us who suggest the course. The hon. and learned Gentleman has done his duty so far, and I think he will not less discharge his duty now that the facts have been brought before him, if, upon considerations, not of humanity, but of justice and sound policy, he withdraws from these prosecutions.

MR. BRIGHT: I have some difficulty in saying anything on this matter, because, as the House knows, one of the gentlemen concerned is a near relative of mine. At the same time, there may be some points which have not been laid before the House, but which are familiar to me from my connection with him. The Attorney General has made a speech, Sir, with which I can find no fault. It was the speech of a great lawyer. Its law, I have no doubt, was in all points correct, and I do not complain that in his observations he went one hair's breadth beyond the line of his duty. But it is quite possible that everything he said may be true, and that at the same time everything else which has been said in the House to induce him not to proceed with these prosecutions is also true. It may be perfectly true that those gentlemen—and I may mention in particular the name of Mr. Leatham, in whom, it may be supposed, I take a somewhat warm interest—it may be true that they have been examined by the Commissioners, that they have not received a certificate, that the funds which they supplied have been expended in bribery, and that they are open to prosecution by the Attorney General; but I will put before the Attorney General, in two or three sentences, the case as it is

presented to my mind, and I will not colour it too warmly because I have an immediate interest in one of the gentlemen. One of these gentlemen—Mr. Leatham, if you like—comes before the Commission. He is especially told of the Act of Parliament. On the opening of the Commission the Act is read in public Court, and witnesses are told, "If you make a full disclosure on all the matters about which you are examined, a certificate of indemnity will be given you." Mr. Leatham lived in the neighbourhood; he attended the Court several days; but he was only once examined. Not a single syllable was said by any one of the Commissioners during the examination, or after it, to show they regarded his evidence as unsatisfactory and incomplete. He might have been examined any day. He was there ready to answer any question which might have been suggested by the evidence of other witnesses. But neither when he was under examination, nor at the conclusion of it, nor at the termination of the inquiry, nor at any time, was there an intimation to him by the slightest word or look that the Commissioners were dissatisfied with his evidence. If they had said to him "There appear to be discrepancies in certain points. Can you clear them up?" he would have been most ready to do so if he could. But nothing of the sort was done, and therefore he left the Court with the perfect assurance that he had done all which the Commissioners expected from him, that the contract would be fulfilled, and that in due course of time a certificate would be sent to him. He had made a full disclosure. I speak, knowing the facts as completely, I believe, as Mr. Leatham knows them himself. Well, then, the Report comes out, and he finds that, without any statement made, without any reason given, without any fault found, the certificate is withheld from a certain number of persons, including himself. He immediately applies by letter to the Home Office, and takes steps to ascertain whether it was possible for him by the re-opening of the Commission, by application to any Court of Appeal, or by any other mode, to make a further statement if anybody chose to ask him anything further, in order that he might obtain the certificate, and remove the imputation that his evidence given on oath had not been as satisfactory as the Commissioners had a right to expect. I will not say that the Attorney General is not right in his law, but I think the House will feel at once that this is a case of grievous hardship, and I think the hon. and learned Gentleman admitted it. He says this House is not a Court of appeal. But if the Act of Parliament does not establish any Court of appeal, there still is one—namely, the consciences and the love of justice which prevail, I believe, universally among hon. Members of this House in matters of this nature.

THE ATTORNEY GENERAL: I did not mean for a moment to dispute the authority of this House. On the contrary, if it expresses its opinion definitely, I shall at once bow to it.

MR. BRIGHT: I may have expressed myself too warmly, but I say again that I do not find fault with anything which the hon. and learned Gentleman said. He made an observation respecting the Chief Commissioner. Mr. Serjeant Pigott is known to many Members of this House. I have known him for some years, and he is a very good lawyer and an excellent and honourable man. The Attorney General says that he went a little beyond the ordinary etiquette of office in making the communication which has been referred to. Now, as the Act of Parliament does not allow one of two persons to sign the certificate, and as Mr. Serjeant Pigott found that a grievous hardship was about to be committed, he intimated that, so far as he was concerned, he thought Mr. Leatham had made a full disclosure, and was, therefore, according to the Act, entitled to his certificate. And, moreover, he authorized the hon. and learned Members (Mr. James and Mr. Malins) to make that statement here. There is one point which I should like to put to the Attorney General. He repudiates the notion that the time for instituting these prosecutions is past. I will admit it to be so. But he cannot dispute that so lately as 1854 an Act was passed "to consolidate and amend the laws relating to bribery, treating, and undue influence at elections of members of Parliament," by the 14th clause of which it is declared that

> "No person shall be liable to any penalty or forfeiture hereby enacted or imposed, unles some prosecution, action, or suit for the offence committed shall be commenced against such person within the space of one year next after such offence against this Act shall be committed."

I am quite willing to agree with the Attorney General that this clause does not apply to the present case in the mode in which he proposes to proceed; but, seeing that this is the very last Act of Parliament on the subject of bribery, and that it is a

consolidation Act, I think it fair to ask the hon. and learned Gentleman to infer with me that the House at that time intended, when twelve months had elapsed after an offence of this nature, that no prosecution should take place. That may be so or not, but so it strikes my mind. I rely, however, on the other point. I say when a gentleman has made a full disclosure, and receives no intimation of his having given incomplete or unsatisfactory evidence—when a Chief Commissioner declares his belief that to withhold the certificate is contrary to an Act of Parliament—I very much mistake the character of the House of Commons, and I think I have mistaken, too, the character of the Attorney General if, under these circumstances, they do not admit it would be impossible to continue these prosecutions. I admit all the Attorney General has said, I see his difficulty. But I think, after the observations which have been made to-night, the facts being now more fully before the House, he will feel that though duty compelled him to commence a prosecution, it will not be inconsistent with his duty to proceed no further with it. I shall say no more, nearly related as I am to a Gentleman concerned in this matter, except to declare that if I was of opinion that that gentleman had acted in a manner which justified a prosecution being instituted against him, although he were my own brother—so much do I abhor this corrupt system which obtains at elections—I should be the last person in the world to stand up in the House of Commons and shield him from the arm of the law.

MR. WHITESIDE: The first discussion on this matter arose from a question incidentally put to the hon. and learned Attorney General. The House however, has never addressed Her Majesty to direct the Attorney General to prosecute. I certainly do not like to have it put to me as an alternative that the House of Commons shall interfere and coerce the hon. and learned Gentleman, against his sense of justice, not to prosecute, but I would say—having been a law officer of the Crown—if it was stated to me that of three Commissioners carrying out the provisions of this Act one was of opinion that a particular witness was entitled to a certificate, and that the others differed from him in that respect, I should hesitate to commence a prosecution under such circumstance. You may prosecute any of these persons for having given false evidence, and the fact that you do not prosecute them for giving false evidence is some proof that they have given true evidence. This Act of Parliament says any person giving false evidence shall be liable to the pains and penalties of perjury. Well, there is no prosecution for perjury in this case, but there is a prosecution for bribery. I think my right hon. Friend the Member for the University of Cambridge (Mr. Walpole) has raised a very nice point under the 8th section of this Act, and I give this warning to my hon. and learned Friend, the Attorney General, that a prosecution in a criminal court is wholly unlike a Chancery suit; that juries, somehow, will always take into consideration many other things besides the evidence in the case. [The ATTORNEY GENERAL—speeches in this House, for instance.] That shows great good sense on their part; and what juryman could be insensible to a speech of my hon. and learned Friend? I thought from what my hon. and learned Friend said on a former occasion, that the evidence he had was evidence which he had obtained from other sources than the Commission itself. I understand my hon. and learned Friend to mean that although he won't use evidence that A. B. gave against himself, yet that he will use against him evidence which C. D. or E. F. gave. But that is just doing the very same thing indirectly that you ought not to do directly. I agree it is difficult for this House to exercise jurisdiction over the three Commissioners, and to say that they ought to have given a certificate where they have not given one; but we have this fact before us, that these gentlemen differed in opinion as to whether a certificate ought to have been granted—the senior Commissioner holding one view upon that point, and the two others entertaining another—and I think that is a case in which the Attorney General should consider well before he prosecutes.

MR. MALINS was understood to say that Mr. Serjeant Pigott had written a letter to his colleagues, stating the grounds on which he had arrived at the opinion he expressed.

THE CENSUS.—QUESTION.

MR. DILLWYN said, he rose to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to press the Census Bill in its present form as regards the mode of ascertaining the Religious

Profession of the Population, or whether they propose to alter the said Bill in that respect; and, if so, in what manner?

SIR GEORGE LEWIS: Before I advert to the question just put to me, I may be permitted to say that I have remarked on previous occasions the great discordance of opinion in these cases with respect to the policy of acting on the Reports of Commissions issued to inquire into corrupt practices at elections; and certainly the debate this evening has not served to remove that impression; for there have been very conflicting opinions expressed with regard to the policy of acting, and those opinions have been in direct conflict with those expressed on former occasions. According to my recollection of the last debate in the case of Berwick, the charge against the Government was that they were supine in instituting proceedings founded on the Reports of these Commissions; that through their supineness these Commissions became nugatory, and that it was incumbent on the House and the Executive Government to take active steps in consequence of the information disclosed by the Commissioners' Reports. On that occasion I remember severe reproaches were directed against the Government for not having previously founded prosecutions upon the Reports of the Gloucester and Wakefield Commissions, but particularly upon that of Wakefield, in which it was pointed out, and with considerable commendation, that certificates had not been granted to all the witnesses. In consequence of what passed on that occasion my hon. and learned Friend the Attorney General, having had the matter previously under consideration, decided on instituting prosecutions. The House has heard the explanations which my hon. and learned Friend has afforded, and nothing can be more embarrassing than debates such as that which has taken place with regard to the conduct of the Executive Government and of my hon. and learned Friend who is charged with the management of criminal prosecutions. We are first urged to conduct such prosecutions, and when the first steps are taken for that purpose a debate is raised in this House, founded on no distinct Resolution, prejudices are created, and insinuations are made. [Mr. BRIGHT: No, no!] Well, I will not say insinuations. Prejudices, however, are raised, and admonitions are indirectly conveyed to my hon. and learned Friend; but no positive fact is laid before the House by which the conduct of the Government can be guided. I wish to state my own opinion, that it is utterly impossible for the Executive Government to regard any of these Commissions otherwise than in a judicial point of view. These Commissioners are appointed under a special Act of Parliament; and if the Government were to interfere by calling on them to explain their proceedings or to be the organ of conveying charges against them, undoubtedly such conduct would meet with the reprehension of this House. It would be said that these being Parliamentary Commissions, issued under an Address to the Crown, and the Commissioners being named in the Address, any interference on the part of the Executive Government, whether the Commissioners were actually sitting, or, having presented their Report, were *functi officio*, would be a violation of their duty to this House. A memorial was presented to me by Mr. Leatham, containing the allegation, which has been repeated by more than one Member this evening, that the Chief Commissioner was of opinion that he was entitled to his certificate. I have no reason to doubt that Mr. Leatham had sufficient grounds for making that statement; but the only official use I could make of his memorial was to refer it to my hon. and learned Friend the Attorney General, in order that he might have official knowledge of it. It was not competent for me to call on the Commissioners to give any explanation of their conduct. I must say, however, what cannot but be obvious to all, that speeches made in this House while legal proceedings are pending are calculated to embarrass the course of justice. The fairest course towards the Executive Government would be for some hon. Member to bring forward a distinct Motion in this House either to stop the prosecution or to recommend that it should go forward, as in either case there would be a distinct ground on which the Executive Government could act. The right hon. Gentleman the Member for Cambridge University, did not, I think, sufficiently distinguish between two different clauses of the Act. It is true, that when a certificate is given, the person receiving it is held harmless against criminal proceedings, but it is likewise true that where no such certificate is given his evidence will not be used against him in any criminal proceeding. If the House will refer to the provisions of the 8th section they will see that no question can arise on that point; for it says that no answer to any question, except in the

case of perjury, shall be admissible against the person giving evidence in any proceedings, civil or criminal. [Sir H. CAIRNS: That is part of the indemnity.] It seems to me to be distinct from the indemnity, and to bear the construction which I have put upon it; nor was I aware that any persons competent to give an opinion had a different view of it till now. Now a few words as to the question of the hon. Member for Finsbury. The charges to which the Government are exposed with respect to the execution of the Act come from different quarters. Some hon. Members impute to the Government an unnecessary degree of lenity in their treatment of these two boroughs of Gloucester and Wakefield. The hon. Member for Finsbury (Mr. Duncombe) thinks the suspension of the writs during the present Parliament an unnecessarily severe measure, and he asks why the writs should not be issued immediately. Other hon. Members, on the other hand, say that the suspension of the writs during this Parliament is a weak and insufficient course, and that the boroughs ought to be disfranchised for a longer time. The hon. Member for Devizes (Mr. Griffiths) said that the course taken by the Government in recommending a suspension of the writs for this Parliament only was a proof of their insincerity, because the course taken falls far short of the justice of the case. Now, nobody can dispute that the suspension of the writs during the present Parliament is a considerable deprivation, and a penal measure of some magnitude. The issue of these writs is in the power of the House; but if any hon. Member thinks that a longer time of deprivation is required, it is competent for him, to bring in a Bill for that purpose. If the period of suspension is to exceed the length of the present Parliament, that can only be done by means of a Bill, because as soon as a dissolution takes place the issue of the writs is out of the hand of the House. The Government have not thought it desirable to take that course, because with a Bill under the consideration of the House for a reform of the representation of the people, which will add considerably to the constituencies of Gloucester and Wakefield, it was not thought expedient to suspend the writs for a longer period than during the present Parliament. Now, with regard to the question put on the subject of the census by the hon. Member (Mr. Dillwyn), I do not think it a convenient course in general to anticipate the debate on a Bill which is in progress through the House. I hope, therefore, I shall not be considered as acting disrespectfully towards the House if I decline to enter into a discussion of that question. I will only say that the proposal with reference to the religious returns to be obtained at the census was deliberately made, and that I do not see any practical difficulty in the way of its being carried out; but if the House should be of opinion that it would be an infraction of religious liberty to impose a penalty on the refusal to answer the questions with regard to the religious denomination of individuals, and if it should be wished to make a distinction between that particular and the other particulars to be collected at the census, I should not be unwilling to make that distinction.

MR. DARBY GRIFFITH said, he wished to disclaim having made an unqualified charge of insincerity against the Government.

MR. BASS said, that with reference to the subject of the bribery prosecutions, he thought the question before the House was whether they would or would not treat bribery as an offence. If the matter were to be passed over in the way recommended by some legal gentlemen, the country would never afterwards believe for a single moment in the attempts of the House of Commons to put down bribery, nor would anybody think it worth while to take notice of any amount of bribery that might be committed. The Act of Parliament expressly provided that every witness who gave satisfaction to the Commissioners should receive a certificate, and it was a proof that those who did not obtain a certificate were not entitled to the privilege.

ITALY.—FOREIGN ENLISTMENT.—THE PAPAL ARMY.—CIRCULAR OF THE IRISH GOVERNMENT.

OBSERVATIONS.

THE O'DONOGHUE said, he rose with reluctance to call the attention of that House, of the country, and of Europe, to the course which within the last few days the Irish Government had thought fit to take. At any time that course would have been extraordinary, but when it was contrasted with what the Government had done in England, it must be described as not only extraordinary but also as unjustifiable. Within the last few days the Government in Ireland had issued a procla-

mation signed by the Chief Commissioner of Police, and purporting to be a caution against foreign enlistment. It seemed to have been put forward to prevent a few Irishmen from taking service in the army of the Pope. Let the House remember that England was not at war with the Pope, nor was she likely to be at war with him. He was not at war or likely to be at war with any one with whom England was in alliance. Why then should the Government arbitrarily interpose to prevent those Irishmen who sympathised with the Pope from taking service in his army? Let the House observe that, at the very same time when the Government were issuing that proclamation in Ireland, the Government in England were countenancing, and he believed, actually encouraging the collection of subscriptions in aid of Garibaldi and others. These acts had been pronounced by lawyers on both sides of the House to be illegal, and they were known to be contrary to the laws of nations. It was aiding men to make war upon sovereigns with whom ostensibly we were on terms of amity; and such conduct between individuals, in private life, would be considered treacherous and hypocritical. The case stood thus. The overwhelming majority of the people of Ireland were Catholics. They sympathized with the Pope, and, as the natural result, they were anxious to aid him in his distress. But the Government had no sympathy whatever with the Pope. That document was therefore circulated through the country, and the effect of it must be to produce in the public mind the impression that those Irishmen who took service in the Pope's army would be visited with severe penalties. In England, on the other hand, there was a feeling hostile to the Pope, and favourable to any persons who would assail his power, no matter what their antecedents or views might be. The consequence had been subscriptions in aid of Garibaldi and others. These subscriptions had been declared to be illegal, but the Government sympathized with the subscribers and with Garibaldi, and the result was that these subscriptions had been countenanced and encouraged. The very next day after the discussion in that House as to the subscriptions in aid of the Sicilians, when every legal Member of the House declared them to be contrary to law, there appeared in the columns of the *Daily News* a letter addressed to the editor of that paper, saying, "I send £50 in aid of the fund now raising to assist the gallant Garibaldi and the Sicilian patriots." That letter was signed by Sir Henry Hoare, an eminent banker, and at the end of the letter there was a note stating that the £50 had been duly forwarded to the Committee for the fund. A day or two afterwards a public meeting was held at St. Martin's Hall for the avowed purpose of raising money to assist Garibaldi. That meeting was addressed by many speakers, and, amongst others, by Mr. Washington Wilkes, who in the course of his speech uttered the following curious sentiment. He said—"By cheering on the Italians in their heroic efforts we should have the better heart to fight our own battles, whether with the Commons or that more imminent battle with the Lords." The report of his speech in *The Star* mentioned that this sentiment was received by the audience with loud cheers. He would call attention to this fact, that the ardent admirers of Garibaldi who wished him success in overthrowing the established Governments of Italy, seemed to look forward to the day when they would find themselves engaged in similar operations in this country. It was clear that as these subscriptions had been illegal the Government pursued one course in England and another in Ireland. They seemed to say to the people of Ireland, "If your actions coincide with our prejudices, you may violate the law with impunity; but, if you do your duty as Irishmen and Catholics, and endeavour to sustain the Pope, we will strain every point to crush the manifestation of your zeal." [Mr. BOWYER: Hear, hear!] He would affirm that this proclamation was oppressive and tyrannical, as an attempt to fetter freedom of action. It was justified neither by reason nor by precedent, and it looked very much like a triumph given to the Protestant feeling of this country at the expense of the Catholic feeling of Ireland. They read in the papers that volunteers for the service of the Pope were going to Rome from France, Austria, Spain, and the minor States of Italy. French noblemen and gentlemen subscribed money for the Pope, and he had not heard that in any of the countries he had named the Governments had issued proclamations against these persons. Irishmen believed that the Pope was attacked by conspirators who aimed at the destruction of legitimate authority all over the world. But Her Majesty's Government evidently wished success to the conspirators in Italy, and

The O'Donoghue

consequently were determined to crush the expression of Irish zeal. This repression was an instance of tyranny in its most odious form. On a former occasion the noble Lord (Lord John Russell) sneered at the possibility of a Catholic thinking that any outrage to the Pope or any assault upon his temporal power could be sacrilegious; but he would put the noble Lord in possession of the opinion of a statesman who, in the estimation of posterity, would be considered not to rank after the noble Lord. Mr. Pitt, when alluding, in a debate in that House, during the war with Napoleon, to the outrages and insults inflicted on Pius VII., that venerable Pontiff, declared, "that such conduct seems even to me, a Protestant, hardly short of the guilt of sacrilege." What would be the effect of this Proclamation on Ireland? It would, like all things of the kind, bring forth a crop of informers, transform every policeman in the country into a spy, and subject every man who wished to leave Ireland, no matter what might be his destination, to the intolerable nuisance of having his movements watched. Wherever there happened to be a bigoted magistrate or an officious constable in a hurry to be promoted, a story would be trumped up and forwarded to Dublin Castle. Then there would be the old story of State prosecutions over again; and as that venerable institution, a "packed jury," would, no doubt, be appealed to, the result would be the conviction of the accused persons. Supposing it was contrary to the law for British subjects to join the service of the Pope, why was it that the law was put in force in that case, and not also in the case of the illegal subscriptions in aid of the Sicilian insurgents, where the law was not less distinct? The Government ought either to carry out the law in this country, or withdraw the Proclamation they had issued in Ireland. That Proclamation would be deemed an insult by every Irishman not blinded by prejudice or interest, and would tend more than anything which had occurred for many years back to convince the people of Ireland that in matters of this nature they could not expect impartial justice at the hands of the British Government.

MR. CARDWELL: Sir, I am very sorry that the hon. Member for Tipperary should think the conduct of the Irish Government extraordinary. The conduct of that Government, whether right or wrong, has been simply this—obedience to the law. The hon. Member supposes we have issued a proclamation which he pronounces tyrannical and oppressive. But, in the first place, the fact is that we have issued no proclamation at all; and, in the second place, when I state what we have done, I think it will appear that our motives and conduct were anything but tyrannical and oppressive. There is a law of the United Kingdom which renders it penal for any subject of Her Majesty, without Her Majesty's permission, to take service under a foreign Sovereign. That statute is clear and unmistakeable, and the provisions of that statute it is the duty of the Government, both in England and Ireland, to carry into effect. Knowing such was our duty, we did not desire to bring into the meshes of the law persons who might have offended against the statute in ignorance of its provisions, and who, had they known them, might have been ready and willing to obey. We, therefore, directed a notice containing the terms of that statute, in clear and unmistakeable language, to be printed and circulated, in order that it might be brought to the knowledge of those persons what the law was to which they were bound to conform. It was our plain duty, as long as Parliament kept the statute on the statute book, to enforce its provisions, and it was a course not of tyranny and oppression, but of common prudence and propriety, to circulate that notice, in order that the people of Ireland might receive due warning of the state of the law. The hon. Gentleman said also that the Government had pursued one course in England, and an entirely different course in Ireland, and that there was no equality of justice between the two parts of the United Kingdom. The hon. Gentleman cannot say that there has been any tendency to infringe that statute in England. If there had been, I have not the smallest doubt that my right hon. Friend the Home Secretary, with whom I have been in communication on this subject, would have issued in London the same notice we have issued in Ireland. It was said also by the hon. Gentleman that we have been parties to the encouragement of an illegal subscription for the purpose of getting up and supporting revolutionary interference in Italy. On the part of the Government I entirely deny that we have been parties to anything of the sort. If the hon. Gentleman possesses any evidence that we have done so let him produce it, and substantiate the accusation he brings against us. But I am not now going to

renew the discussion which took place the other night about the difficulties that attend the execution of the law with regard to conspiracy. My object at the present moment is simply to state that the Irish Government, being desirous to give effect to a statute which Parliament continues, thought it also equitable and right to issue a notice calling the attention of those who would be likely otherwise to expose themselves to punishment to the terms and provisions of that statute, in order that it might be obeyed. The Government have instituted no prosecutions either in England or Ireland, for this reason I suppose in both countries, and I am certain in Ireland—because they have no grounds that would justify any such proceedings with regard to an infringement of the law. The hon. Gentleman anticipates very serious consequences from the issue of this notice. I have shown that the hon. Gentleman is mistaken with regard to the conduct of the Irish Government in the past, and I venture to say that with regard to the future he will be found not less mistaken. I believe that it is only fair to give people due warning of the law to which they are required to conform, that the publication of the notice by the Government was dictated by fairness, reason, and propriety, and that it has already been attended with the most beneficial results.

MR. MONSELL said, he had listened with much attention to the statement of his right hon. Friend, and he would put it to the House whether it was really an answer to the charge made by the hon. Member for Tipperary. The state of the case was this. Some four or five nights ago, the noble Lord the Secretary of State for Foreign Affairs made a speech in which, after admitting the opinion given by every legal Gentleman who spoke on the subject in this House, that the subscription for promoting the insurrection in Sicily was illegal, went on to compare Garibaldi to William III., and stated distinctly, *pour encourager les autres*, that he himself had been a subscriber to a fund for promoting such efforts in Greece, and had suffered no evil consequences from the course he then pursued. Now, what was the object and intention of that speech? Was it or was it not to encourage that subscription, and to inform the subscribers that no proceedings would be taken against them. Such was the attitude assumed by the noble Lord representing the Government in England, while at the very same moment a notice was issued in Ireland warning the people against enlisting under General Lamoriciere. Now, was it justice to encourage in the one country an act declared to be illegal, directed against a Sovereign with whom we were on terms of amity, and at the same time in the other country to mark with disapprobation acts against the letter of the law, but as they were not directed against a friendly Power, not contrary to the avowed policy on which that law was founded? The law as to foreign enlistment was clear and distinct, but it should be remembered that that Act was passed for a special purpose. According to the ancient custom which prevailed in this country, there was no prohibition against foreign enlistment. In the reign of George II., it was prohibited according to Sir James Mackintosh, in order to prevent a Jacobite army from being formed abroad. In 1819 an Act was introduced by the Government of the day to repeal the Act of George II., and to enact the present Foreign Enlistment Act with the object of putting the States of South America on the same footing as Spain. The first clause of that Act, repealing the statute of George II., met with general assent, but the other portion of it, enacting the present law, was opposed by the whole force of the Whig party, including Lord Denman, Sir James Mackintosh, Lord Brougham, and Lord John Russell himself. The then Attorney General, in introducing the Bill, stated that its object was to prevent British subjects from enlisting in the army of any State which was at war with another State in amity with ourselves. The people of Ireland would feel acutely and bitterly the different measure that was dealt to them, and to the people of England, who entertained opposite views. If there had been no steps at all taken by the Government on either side, there could have been no ground of complaint; or if warnings had been published in England as well as in Ireland, there would have been no injustice; but to adopt one course in one country, and a different one in regard to the other, must create an unfortunate feeling. The Government were bound to hold the balance justly between all parties, but he thought the course they had pursued in regard to foreign affairs for several months past, the moral support they had given to a united Italy against the recorded opinions of Italian patriots, such as Gioberti, Rosmini, and Cesare Balbo for a confederation of States was in oppo-

sition to that judicious course which was to have been expected. The conduct of the Government in those matters, encouraging the demarcations between different countries to be broken through, and one State to unite itself with another without the sanction of a European Congress, had led to the union to France of Savoy and Nice. It had also led to the agitation now going on in the East respecting the Christian provinces of Turkey, and he only hoped it might not lead to a similar agitation in respect of Belgium and the Rhenish provinces. When a Government professed neutrality it was bound to carry it out fully and fairly, and not to allow one portion of the inhabitants of the country to gain a triumph over the other. He trusted that the Government would not persevere in such a course; but, under any circumstances, he felt grateful to the hon. Member who introduced this subject for affording the House an opportunity of expressing its opinions upon it.

ITALY.—THE NE POLITAN STATES.

OBSERVATIONS.

Mr. BOWYER said, he rose to call the attention of the House to a most extraordinary despatch from Her Majesty's representative at Naples dated March 23, 1860. That despatch had been written with the full knowledge that it would probably be made public, and yet in the despatch he found a passage which was almost unparalleled in diplomatic correspondence— he could not say quite unparalleled, for the House had seen certain despatches from the noble Lord the Secretary of State for Foreign Affairs which resembled rather speeches to a Jacobin Club than documents addressed to a Minister resident in a friendly State. Mr. Elliot said,—

"In the present excited state of Italy the announcement that political refugees could find a safe asylum on board Her Majesty's ships would probably nearly suffice to produce an outbreak; but, on the other hand, it must be recollected that while a Government and its agents are persecuting individuals in defiance both of law and justice, a person flying from the police may fairly be considered as somewhat in the position of those who are escaping from the Lynch law of a mob."

He (Mr. Bowyer) was not about to give any opinion on the merits or demerits of the Neapolitan Government, and he should abstain from doing so because he was addressing the British House of Commons, and not a Neapolitan Parliament, and because he conceived we had no business to meddle with the internal affairs of other countries. He must say, however, that if a Minister accredited to a foreign Government was allowed to express himself in such gross terms of insult towards that Government it was an outrage against all the usages of diplomacy and the law of nations, and a violation of the decencies of civilized life. If such opinions had been expressed in private letters, nothing would have been said about them; but they had been set forth in a despatch which had been made public, and which the writer must have known would probably be made public. For a Minister publicly to insult the Sovereign of a foreign country was not only improper, but it led to the most serious inconvenience. It was indeed a part of that system which had made our diplomacy a nuisance to foreign countries. Would such a thing have been done towards France? Lord Cowley would never have dreamt of such a thing. Such insults were only offered to minor States. To large States there was nothing but eulogium, sometimes amounting to almost fulsome adulation, but the minor States were bullied to satisfy the prejudices of this country. He did not believe that the noble Lord in his heart entertained those sentiments of bitterness which he declared in his despatches, but was pandering to an unwholesome feeling existing in this country, grounded partially upon a hatred to Catholic Sovereigns by bigoted Protestants. He wished to know what the Government intended to do after publishing a despatch so insulting in which the Government of the King of Naples, for taking measures for the maintenance of the throne of their Sovereign, when attacked by conspirators and rebels, had been compared to those who administered the Lynch law of a mob, was it possible for a Minister, who had made use of such gross and insulting language towards the Sovereign and Government of that country, to continue in any relation with the Court, or to serve this country usefully in the capacity of a diplomatic minister. He had always understood that the mission of an ambassador was one of peace, and that it was his duty to maintain the rights of his own country, to give protection to subjects of his own country, and to convey to the Government any information which they desired to know. But, at the same time, it was his duty to show the greatest respect and deference to the law of the country

and the person of the Sovereign to whom he was accredited. Now, he must say this was an instance, and it was not the first instance, of a great deviation from those principles on the part of Ministers of this country. He believed that when this country ceased to have any relations with the Court of Naples that cessation was viewed with anything but regret, because it was known that the English Minister was making his house the focus for intrigue and mischief, and his language in some instances was most hostile and insulting to the Government to which he was accredited. A good deal had been said with regard to the expediency of diplomatic relations with the Holy See, but he could not help congratulating the Holy See upon not having an English Minister resident at Rome. He believed that if there were such a Minister he would employ himself in making political capital for the noble Lord and his friends on the Treasury Bench, by writing despatches of an equally offensive character. Unless the practice was put a stop to, the diplomacy of the country would be viewed as a nuisance to Europe and an encouragement of every kind of political agitation. He wanted to know whether any representation would be made to Mr. Elliot of the impropriety of his language, in order to make satisfaction to the King of Naples for the insult offered to him, and to give the diplomacy of England that respectability which it must lose by such a despatch as that to which he had called the attention of the House. With regard to the answer of the right hon. Gentleman the Secretary for Ireland to his hon. Friend the Member for Tipperary, he thought it most unsatisfactory. The warning of which he had spoken was very like a threat. Persons who were disposed to enlist in the service of the Pope were threatened that they were liable to penalties. It was not a kind and obliging piece of advice. It meant that if the Government found them out they intended to prosecute. He wanted to know why the same thing was not done in England with regard to the subscriptions to Garibaldi. There was no doubt that for a subject of the Queen to do anything, by subscription or otherwise, to encourage rebellion against a Sovereign who was in amity with the Crown was a gross offence against the law of nations. There was no doubt that the act of which Garibaldi had been guilty was an act of piracy, and that those who formed Committees or paid subscriptions were guilty of conspiring to do an act of piracy. He hoped that there would be an opportunity at some future period of discussing our foreign relations and the conduct of Her Majesty's Government. He thought there would be no difficulty in showing that in their policy there was no impartiality and very curious neutrality. Her Majesty's Government always gave every moral support which they could to rebellion against Sovereigns whose principles they disliked, and they now discouraged in Ireland everything which was done to support the authority which they disapproved. The noble Lord the Secretary for Foreign Affairs had told them the other evening that the English captain stationed in the waters of Marsala had with great propriety refused to send boats to take possession of the ships which Garibaldi had abandoned, because he was instructed to observe perfect impartiality and neutrality. He did not understand that kind of neutrality which was kept between a band of pirates attacking an Ally of the Crown and a recognized Government who had a Minister accredited to the English Court. If two or three footpads attacked the noble Lord in going home from the House, and if, when he called for assistance to half a dozen hon. Members on the other side of the street, they said, "No; we shall not interfere; we mean to keep a strict neutrality," what would the noble Lord think of them? The cases were exactly parallel, for every person in arms must either be a lawful belligerent or a pirate, and Garibaldi was clearly not a lawful belligerent. Such doctrines of impartiality and neutrality seemed to him subversive of the laws of nations, and he noticed them, because their operation must produce the greatest possible confusion throughout Europe. They would reproduce in other parts the state of things which existed between the King of Sardinia and his near neighbour, and in which the King of Sardinia seemed like a receiver of stolen goods — *alieni appetens, sui profusus*—ready to sell his subjects for the plunder which the Emperor of the French had succeeded in obtaining. It was a system which must lead to a European war, and the effect of it must be to strengthen a revolutionary Power, with which we should sooner or later have to grapple, and he feared to grapple with it, when our policy had made that Power so strong as to render it exceedingly difficult to cope with it. In conclusion he had to ask the noble Lord at the head of the Go-

vernment for some explanation of the despatch he had mentioned, and he hoped, for the credit of this country and of the Government, that the noble Lord would disclaim the insulting language which had been used by Mr. Elliot, and would be able to state that means had been adopted to prevent the employment of similar language by a British envoy to a sovereign at peace and in alliance with Her Majesty.

Viscount PALMERSTON: I am afraid I cannot satisfy the wish of the hon. and learned Gentleman by informing him that Her Majesty's Government have expressed any disapproval of the despatch which has met with his censure. The chief characteristic of that despatch is that it states the truth, and I apprehend that it is the duty of Her Majesty's diplomatic agents abroad to state the truth, however disagreeable to the Government whom they address, with regard to the facts upon which they have to communicate. This was not a volunteered communication from Mr. Elliot. It arose from a discussion which took place here as to the supposed conduct of a British naval officer in giving refuge to a Sicilian fleeing from persecution on shore. The standing orders which have been given on those matters are recorded on the other page of the paper, from which the hon. and learned Gentleman read an extract. They are in the shape of a communication to the Admiralty, given by my direction when at the head of the Foreign Office, and the orders under which all naval officers are acting, in places where these circumstances are likely to occur, are simply these,—that when any one flees from justice, to escape from a trial or from the condemnation of a tribunal, to any British ship of war which may be stationed in a foreign port, he is not to be received; but that if an individual flees from persecution on account of political opinions, or political conduct, and gains access to the ship, then the commanding officer is not to refuse him asylum. It is upon the principle that every British ship of war is British territory; and that principle has been acted upon in other places and with regard to other countries besides Sicily. During the civil wars of Spain, Gibraltar was the place of refuge alternately of all the different parties. Carlists at one time, Progresistas at another, fleeing from the power of their adversaries, triumphant for a moment, have equally found refuge under the sanction of the British flag at that place. On the same principle it would be an act of barbarous cruelty on the part of the commander of a ship to turn adrift and force back into the hands of his pursuers a man who had committed no distinct offence, who had been tried by no tribunal, who had been charged and found guilty of no civil or criminal offence, but who was persecuted simply on account of his political opinions, and sought a temporary refuge on board a British ship. Mr. Elliot states when he last wrote that the condition of Sicily at the time was such that persons flying for refuge from the police in this way, were like persons flying from the Lynch law of a mob. [Mr. Hennessy: They were flying from the Government.] Yes, but the Government of Sicily is the police. That is the *gravamen* of the charge. The hon. and learned Gentleman says Mr. Elliot showed disrespect to the laws and institutions of the country, but I say, on the contrary, he showed respect to them. The laws and institutions of the Neapolitan kingdom are now entirely set aside, and consigned to oblivion—the whole Government of the country is in the hands of the police. In the kingdom of Naples there is an excellent code—[Mr. Bowyer: Hear, hear.]—the *Code Napoleon*—[Mr. Bowyer: No, it is not so.]—adapted to local circumstances and suited to the habits and to the usages of the people. There is a Constitution and a Parliament, granted by the late King, sworn to by him in the most solemn manner, with adjurations of the vengeance of Heaven on himself and his successors if ever it were set aside—but yet that Constitution is a dead letter. The police do everything—they arrest people without any charge against them, they keep them in prison without any trial, and if by any accident any prisoner is brought to trial and acquitted he is equally kept in prison, because it is said he is suspected. Innocence is no protection there, and the utmost barbarities have been perpetrated by the police of Sicily on the unfortunate population of the country. The hon. and learned Gentleman does not know what is passing there; if he did, I am sure his generous feelings would revolt against the barbarities which we hear and which we know are practised in that country. I believe that no such case as that of M. Rosa, which has been brought forward, has occurred; the report is entirely unfounded. We do not know that there is such a person; but, putting a hypothetical case—if any man flying from the fangs of the police were to

seek refuge on board a British ship, there is no man, I believe, in this country, who would not deem that that officer had misconducted himself, who, under those circumstances, should drive such an individual back to be the victim of the barbarities I have described. These are matters of feeling on which we must all think alike. It is no departure from our position of neutrality in regard to the contest now going on. No encouragement has been given to those who are subscribing to the fund in aid of Garibaldi. The hon. and learned Gentleman says the speech of my noble Friend the other night was an encouragement; because at the moment he compared Garibaldi to a great historical personage; but if the hon. and learned Gentleman has no other ground than that for asserting that the Government has given any such encouragement, he is rather straining facts and assertions, in order to prop up the opinions which he wishes us to receive as sound. Therefore, as far as this question goes, there is no censure to be applied to Mr. Elliot. With regard to the feelings of the Neapolitan Government upon that despatch, I should think when they read it, all they could have to say to it would be

> "Pudet hæc opprobria nobis,
> Et dici potuisse, et non potuisse refelli."

In respect to the other point, there is a great distinction between the two cases. In the one case there is a positive statute, plain, intelligible, and simple, to the violation of which certain penalties are attached—that is the Foreign Enlistment Act. The other is an infraction of the law of nations, which may be punished; but every man must see that a prosecution in this case would be much more uncertain, than in the case of offences against the Foreign Enlistment Act. In the one case a warning was thought necessary to certain people in Ireland, who did not seem to be aware of the state of the law; in the other case it was stated by a hon. and learned Member opposite, that the discussion in this House would be sufficient warning to those who were supposed to be engaged in these subscriptions, which were deemed to be contrary to the law of nations.

MR. HENNESSY said, the noble Lord's description of the state of Sicily reminded him of a statement which had been made some years ago by a colleague of his on a similar matter. In 1857 the Foreign Secretary of the noble Lord's then Government (the Earl of Clarendon) stated in "another place" that Baron Poerio had had an operation performed on him while still wearing the chains which caused the wounds for which that operation was required. That statement was also repeated in another form by the right hon. Gentleman opposite, (the Chancellor of the Exchequer), whose book about Naples was full of the grossest misconceptions. The moment that charge was made the Government of Naples took steps to give it a proper contradiction. A State paper was published to which were attached he certificates of the surgeons who performed the operation. They denied the story about the chains, for at that time the Baron wore no chains. [The CHANCELLOR of the EXCHEQUER: Oh, oh! I saw them myself.] Did the right hon. Gentleman mean to assert that the chains caused the wounds, and that those chains were worn during the operation—for that was the precise charge? It was met by the statement of the medical men that they saw no chains and no marks of chains, and they distinctly asserted that the malady for which the operation was performed was an hereditary malady, and had nothing to do with chains. They also stated that whilst in prison it appeared that the Baron was confined in comfortable rooms, where there was plenty of light and air; that he had, in fact, a suite of apartments, with access to his books and papers. The statement to which he had referred, however, was an example of the sort of statements on which the noble Viscount relied in his charge against the King of Naples. He had no wish to charge the noble Lord or his colleagues with seeking to overturn the King of Naples from anti-Catholic motives. The noble Lord was the leader of the Liberal party, perhaps it might be said, in Europe, certainly in this country, and he was acting consistently in using all his influence to promote the spread of Liberalism in Italy. For himself, he looked on Liberalism as a thing not to be approved of anywhere; and when the effects of the new liberal Budget were a little more developed, a great many other people would think the same. This was not a question of two religions, but of two different forms of politics. The noble Lord was endeavouring to spread liberal views throughout Europe, but he wished to point out to hon. Gentlemen below the gangway on the other side, who talked a good deal about economy, that it was not for them to support a Government which spread liberal views at the expense of the people of England. We had already a

war with a Sovereign in the East, and we might have another now with a Sovereign in the West; for the noble Lord's speech might promote a rupture between Her Majesty's Government and the King of Naples. The noble Lord once talked of sending a fleet to the Bay of Naples, but he got a letter from the Emperor of Russia, which was circulated throughout Europe, informing him that the Russian Government would maintain the principle of non-intervention, and that they would not permit him to dictate to a small State because it was small; and then the noble Lord very wisely, though not with much dignity, retreated from his menacing position, for he felt that though he could bully Naples he could not bully Russia. Hon. Gentlemen would find that if they allowed the noble Lord to have his own way, he would get the country into all kinds of expensive and disastrous complications. He would only add the expression of his regret that the right hon. Gentleman the Chief Secretary for Ireland had not been as explicit and candid as usual in his answer. The right hon. Gentleman stated that he had not issued any proclamation. Surely one which had been issued at the direction and by the advice of the Attorney General must be taken as the act of the Government of which the right hon. Gentleman was a member.

MR. CARDWELL: I said, that no proclamation was issued, and that what was issued was the ordinary police notice; and that is exactly the truth of the case.

MR. O'BRIEN said, that as a Roman Catholic he wished to preserve, if it were possible, the Romagna, and the rest of his dominions in all their integrity to the Pope, because he considered, apart from any religious question, that it was absolutely necessary, in a political point of view, that the Pope should be independent. For the same reason he regretted the issuing of the proclamation by the Irish Government which had been referred to. At the same time he could not concur with his hon. Colleague in defending the Sicilian Government, which he believed was an abomination, and which he trusted one day or another would be compelled to succumb, not to Garibaldi, with whose projects he had no sympathy, but to popular opinion, aided and influenced as it was by the Roman Catholic clergy rising and overturning Neapolitan tyranny. He could not hear the statement made by his hon. Colleague without standing up and vindicating those principles of liberalism which that hon. Member had so openly repudiated. He admitted that it was contrary to law to interfere by subscriptions or otherwise in the affairs of other nations which were on terms of amity with Her Majesty's Government, but no law could prevent our feeling sympathy with those who were oppressed, and sympathy wherever expressed would always be found useful.

FORTIFICATIONS.—QUESTION.

COLONEL DUNNE, in asking the Secretary of State for War how soon he will be prepared to lay on the Table the Report of the Commission on Fortifications, said, he hoped that if the Government were not prepared to do so immediately they would do so on the re-assembling of the House after the Whitsuntide holidays.

Motion *agreed to.* House at rising to adjourn till *Thursday* next.

CASE OF WILLIAM AND MARTHA BRIGHTMAN.

PAPERS MOVED FOR.

SIR JOHN TROLLOPE said, that he rose to move for an Address for copies of correspondence between the Secretary of State for the Home Department and the clerk to the Spalding board of guardians, relative to prosecutions at the last assizes for the county of Lincoln against William and Martha Brightman for bigamy. He was unwilling in that House to animadvert upon the language of a Judge of the realm, as no one could feel a greater regard for judicial integrity than he did; but in this instance he felt it his duty to call the attention of the House to the circumstances of the case. It appeared that the two persons in question had been married about twenty years ago, but had, owing to some quarrel which had arisen between them, separated on the day of their wedding, and had never cohabited. Not very long after their separation the man had again gone through the ceremony of marriage with another woman with whom he lived, and at the lapse of a considerable number of years found himself obliged to apply to the Board of Guardians for Spalding for relief for himself, his nominal wife, and four children, who were of course illegitimate. The board, having had the circumstances of his case thus brought under their notice, had no other alternative but to institute proceedings against him, inasmuch as they could not charge the nominal wife and her children

upon the funds of the union, her settlement not being within its limit. A prosecution for bigamy had accordingly been instituted against him. The case had been tried at Lincoln, and the accused had pleaded guilty to the charge. The learned Judge who tried the case—Mr. Justice Willes, however, and it was to his conduct in the matter his Motion more particularly related—before he heard the case, and having simply read the depositions, had thought proper to make use of observations to the following effect in his charge to the grand jury. He said that the prisoner was alleged to have committed the offence about eighteen years before, and that he could not conceive, apart from pecuniary considerations, why his name should appear in the calendar, adding that, *primâ facie*, the case looked more like a persecution than a prosecution, and that it was productive of more harm to bring such cases before the court than if they were not proceeded with at all. It was quite clear from these remarks that the learned Judge seemed to have made up his mind about the matter; but when the case had come on, the prisoner had, as he before stated, pleaded guilty, and the learned Judge, in passing sentence upon him, had used language such as he was about to mention, which was taken from the report of the proceedings contained in a journal of large circulation, and which, having taken pains to ascertain the accuracy of the report, he believed to be the unexaggerated record of what actually took place on the occasion. The purport of the learned Judge's observations were, that no men possessed of the commonest feeling would venture to prosecute in such a case; that the prosecution was a cruel one; that it would seem to have been instituted for the purpose of torture; and, taking into account that the prisoner had applied for relief in consequence of indisposition, it was little short of murder; and that for his own part he would be rather in the place of any one in the calendar than in that of the prosecutors. The learned Judge concluded by sentencing the prisoner to one day's imprisonment. But that was not all. It appeared that the real wife of the prisoner had also been arraigned on a similar charge, and that Mr. Justice Willes said the case was one more fit for a romance than for a court of criminal justice, and that such a prosecution could be instituted only by some person with a heart of stone, adding that he would not make himself a party to it by sentencing the prisoner to more than one day's imprisonment, and that the board of guardians should be condemned in the costs in both cases. Now the board very naturally felt aggrieved under these circumstances, and had applied to the right hon. Gentleman the Secretary for the Home Department for redress, desiring that they should be cleared from the imputations which the learned Judge had cast upon them. They were, however, informed in reply that the right hon. Gentleman had no power to interfere either with respect to the language of the Judge or the insufficiency of the sentence, the latter of which questions, he might add, the board of guardians did not raise. All the satisfaction that was got from his right hon. Friend was this curt reply. The guardians, however, were determined not to be held up to the world as persecutors and murderers, and they wrote a second letter to the Home Secretary, being more than ever desirous to free themselves from the imputations of the Judge, more especially as his words, describing them as persecutors and murderers, had been copied out of the local papers and posted in large handbills about the town. All the satisfaction obtained was the following letter from one of the authorities of the Home Department:—

"Sir, I am directed by Secretary Sir George Lewis to acknowledge the receipt of the letter on the subject of the late prosecution for bigamy at the last assizes for the county of Lincoln, and I am directed to inform you that Secretary Sir George Lewis declines to interfere in the matter."

The affair had, therefore, been placed in his hands, and he hoped to hear some explanation from the Home Secretary; and he would now ask that right hon. Gentleman whether he thought the language adopted by the Judge would tend to raise the dignity of the bench. He was sorry that the Judge should have committed himself to the use of language which he was sure the Home Secretary could not palliate or defend; and he hoped the right hon. Gentleman would make such a statement as would soothe the wounded feelings of the gentlemen who had addressed the Home Office in vain.

Motion made, and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Correspondence between the Secretary of State for the Home Department and the Clerk to the Spalding Board of Guardians, relative to Prosecutions at the last Assizes for the

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county of Lincoln, against William and Martha Brightman, for Bigamy."

SIR GEORGE LEWIS said, that he had not a word to say against the manner in which his hon. Friend had brought forward the matter, which he would admit was one which quite justified him in calling for explanations. His hon. Friend said he did not wish to make any imputation on the integrity of the Bench, and always regretted when any circumstances arose to throw doubt on the decision of a Judge. But he must beg to point out to the House that whatever question might arise with regard to the conduct of the Judge in this case, no person could suppose that there was the smallest reflection on his judicial integrity. The only question was as to his discretion in the use of certain language when passing sentence. The merits of the case lay within a very narrow circle. Two persons of the labouring class were married according to the rites of the Church of England in 1838, but it so happened that before evening came on a quarrel arose and they separated, cohabitation not having taken place. They never met again, he believed, and they considered themselves as not having contracted a valid marriage. Among persons of that class of life it was not an unusual error to suppose that under such circumstances no valid matrimonial connection was formed. He did not mean to justify that popular error, but the error, he believed, existed. About four years afterwards—*i. e.*, in 1842—each of these parties married again other persons, believing that their second marriage was a valid one. They lived together for a number of years, and only by accident, when the man applied for relief to the Spalding Board of Guardians, it was discovered that his second marriage was invalid, his former wife being, in fact alive, and that the children of the second marriage were illegitimate. That, of course, had an effect on the administration of relief by the Board of Guardians, who directed that a prosecution for bigamy should be instituted against the husband at the next assizes. On investigation it also appeared that the wife had contracted a second marriage, and the Board of Guardians thought if they prosecuted the husband they were bound also to prosecute the wife. They gave directions accordingly to their clerk, who was also clerk to the Magistrates. The two cases came before Mr. Justice Willes. The first marriage had taken place in 1838, and 22 years had elapsed before the prosecutions were instituted. The Judge who tried them took a strong view as to the impropriety of the prosecutions. From circumstances that came under his observation, the Judge was of opinion that the prosecutions had been instituted for the sake of costs. His hon. Friend seemed to think that the Judge was imperfectly acquainted with the facts of the case. Now, the prisoners pleaded guilty, and the depositions were in his hand before he charged the grand jury; therefore, the Judge was acquainted with all the facts of the case before he passed sentence. The Judge certainly took a strong view as to the impropriety of the prosecutions, and, if correctly reported, the language was such as no doubt it was desirable a Judge should abstain from using in passing sentence There might have been something that came before the Court which appeared to the Judge to be a perversion of justice; it was impossible to suppose that he could be actuated by any impure motive. He certainly had no communication with the learned Judge, as had been stated in the letter read. He was responsible for that letter. If a similar case came before him he should be prepared to write a similar letter. He believed it was not the duty of the Secretary of State to pass any censure on the language used by a Judge, even if he were of opinion that the language was not altogether discreet. He thought the assumption of such a power by the Executive authority would be an undue interference with the course of justice. He, therefore, at the time declined to communicate with the Judge, in order to ascertain from him whether he admitted the accuracy of the Report brought under his notice by the Spalding Board of Guardians. But assuming that the Judge's words on the whole were correctly reported—that they approximated to the truth—some indiscretion of language had, no doubt, been committed; but the error, if there was error, did not go beyond some fault of temper in passing sentence. The Judge thought it a case in which there had been an improper use of the power of prosecution, and that the indictments ought not to have been brought before the grand jury. In passing sentence he might have used language which was indiscreet and went beyond the necessity of the case, but that was all he admitted.

SIR JOHN TROLLOPE said, that after the explanations which had been given, he

thought it unnecessary to put the country to the expense of printing the correspondence; he would therefore withdraw the Motion. He would only add, in justification of the clerk to the magistrates and board of guardians, that he must have travelled forty miles to and from the county town, and resided there two or three days at the assizes; while the only allowance for expenses was £2 2s.; so that he stood clearly exonerated from having any pecuniary interest to serve.

Motion, by leave, *withdrawn.*

INNKEEPERS' LIABILITY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Responsibility of Innkeepers).

MR. M'MAHON said, he objected to proceed any further with the Bill. It ought to be styled a Bill for the protection of innkeepers. It proposed to alter the old-established law with regard to innkeepers, and relieve them from a responsibility under which the trade had hitherto been satisfactorily conducted. It was proposed that a traveller should have no security for his effects if they were above the value of £40, unless he deposited them with the innkeeper, telling him their value. Such a provision would lead to great inconvenience, and he did not see why a traveller should be required to expose himself to the risk and personal peril which such a statement might occasion. Guests had been murdered for the sake of their valuable property, and in an unfrequented district the disclosure required by the Bill might afford a temptation to the cupidity of those who were criminally disposed. Another proposal was that a person who should get "meat, drink, or lodging" at an inn, "without having the means to pay for the same," should be taken before a justice of the peace and be committed to prison for two months. Now, why should an innkeeper have the privilege of carrying his debtor at once before a justice of the peace; and, if this were a proper remedy, why was it not given to all parties? It was a most outrageous provision, and would expose a person who went into the country and forgot his purse to the risk of imprisonment. Instead of attempting to improve the Bill in Committee, he thought it better to dispose of it at once by moving that the Chairman do now leave the chair.

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SIR GEORGE LEWIS said, he had agreed to the second reading under the impression that there were certain cases in which the present law bore unjustly upon innkeepers. The preamble of the Bill expressed this rather curiously, reciting that, in consequence of the increase of travelling, it was desirable to diminish the amount of security afforded to travellers. But on consulting the law officers of the Crown he had come to the conclusion that it would be unsafe to make the change proposed by the Bill, and that on the whole it was better to leave the law as it stood. There was a maxim, well known in Westminster Hall, that "hard cases make bad law," and they must take care that hard cases did not induce them to make bad legislation. The conditions proposed by the Bill in respect to the custody of goods destroyed the value of the present remedy against the innkeeper, and the third section converted a debt into a criminal offence. As he feared that the Bill was not susceptible of Amendment, he had no alternative but to support the Amendment.

COLONEL SYMTH said, he regretted that the right hon. Gentleman (Sir George Lewis) felt it necessary to pursue the course he had intimated it was his intention to take. He was quite willing to accept any modification of the clauses which the right hon. Gentleman might suggest, for he was confident that the Bill would afford considerable relief to innkeepers in a direction that was much required. He was willing to give up the third clause, and with that alteration he should take the sense of the Committee on the Bill.

SIR FRANCIS GOLDSMID said, he thought that whatever legislation might be required upon the subject, the proposed Bill was one so unskilfully framed that it certainly would be productive of no good, and he quite approved of the course adopted by the right hon. Gentleman the Secretary for the Home Department (Sir George Lewis). But he did not consider that there was really any necessity for a change in the existing law. The preamble stated that property taken to inns by travellers had greatly increased since the formation of railways, whereas the very reverse was the case.

MR. CONINGHAM said, he thought the Bill was a very simple one; it was merely the application of the principle of limited liability to an hotelkeeper. A large number of his constituents were in favour of it, and he should, therefore, support it.

Mr. RIDLEY said, he was in favour of the Bill, but thought it might be improved by introducing Amendments.

Mr. VANCE remarked that the Bill was badly drawn, and that it would be far better to withdraw it for the purpose of allowing the Government to introduce one of a practicable nature.

Mr. SOTHERON ESTCOURT observed that it was rather hard upon his hon. and gallant Friend who had introduced the Bill that, after it had passed the second reading with, as he understood, the support of the Government, the principle of it should now be opposed, and it should be thrown out in Committee. It would be best to let the Bill go through Committee *pro formâ*, to allow him to make the requisite alterations, and then go on with it.

Sir GEORGE LEWIS said, he doubted whether it was desirable to go in Committee merely on the speculation that something good might come of it. As he had said, he had referred to the law advisers of the Crown for their opinion, and the opinion of the Solicitor General, from his legal experience, was that there existed no sufficient cases of hardship from the present law affecting innkeepers to justify so general an alteration as was contemplated by the Bill. He, therefore, founded his opposition to the Bill mainly upon that opinion, and upon the result of some inquiries which he had made. There might, perhaps, have been a few hard cases, but generally the law did not work in an unsatisfactory manner. The preamble of the Bill stated what was diametrically opposed to the fact, as the practice of taking much luggage for sleeping at inns had diminished since the introduction of railways.

Colonel SMYTH said, he believed he had made out a good case for legislation, and could not consent to withdraw his Bill, the principle being generally admitted, unless the right hon. Gentleman would undertake to propose some other remedy for the hardship inflicted by the present law.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee *divided* :—Ayes 40 ; Noes 34 : Majority 6.

House resumed. [No Report.]

SUPPLY.—REPORT.

Mr. Massey brought up the Report of the Committee of Supply.

Resolutions *reported* :—

1. "That a sum not exceeding £400,000 be granted to Her Majestys on account, for, or towards defraying the Charges of certain Civil Services to the 31st day of March 1861."

Printing and Stationery, £30,000.

County Courts (Treasurer's Salaries and expenses, £30,000.

Constabulary of Ireland (Pay and Allowances), £82,000.

Public Education (Great Britain), £100,000.

Consuls Abroad, £54,000.

Prisons and Convict Establishments at Home, £20,000.

Sundry Commissions (Temporary), £12,000.

Bounties on Slaves, £10,000.

Dublin Police, £7,000.

Civil Contingencies, £50,000."

2. "That a sum not exceeding £2,500 be granted to Her Majesty for the Extension of the Malta Harbour."

On the Resolution of £2,500 for Malta Harbour,

Mr. KINNAIRD said, in his opinion this small sum was merely the prelude to a large draught on the Imperial Exchequer —a draught which he believed would ultimately amount to £250,000. The Council of Malta had formally resolved to pay only a fixed sum, so that any excess of expenditure would have to be borne by the Imperial Government. He would like to know whether the rights of the navy in those waters would be secured after all that outlay?

Sir HENRY WILLOUGHBY asked whether there was any likelihood of the Estimate being exceeded ?

Mr. WHITBREAD said, the greatest pains had been taken to secure accuracy in the Estimate ; and unless any unforeseen accident arose the work would be completed without exceeding it. The local Government of Malta had certainly passed a Resolution restricting their liability to half the amount of the Estimate, but unless they would consent to bear their share of the whole expense, whatever it might come to, the Admiralty would limit the extent of the work executed to the amount voted by Parliament. He assured the hon. Member that the rights of the navy were fully secured.

Resolutions *agreed to*.

House adjourned at Half after Twelve o'clock till Thursday next.

HOUSE OF COMMONS,

Thursday, May 31, 1860.

Minutes] Public Bills.—3° Sir John Barnard's Act, &c., Repeal.

THE YEOMANRY CAVALRY.

QUESTION.

MAJOR EDWARDS, on the Motion for going into Committee of Supply on the Army Estimates, rose to ask the Secretary of State for War, Whether any Correspondence had passed between the War Office and the Treasury, or any other Department of the Government, respecting the omission from the Army Estimates of the usual Vote for the annual training of the Yeomanry Cavalry; and, if so, whether he had any objection to produce such Correspondence? The gallant Major said—Sir, I have ventured to bring this question before the notice of the right hon. Gentleman the Secretary at War, not in the hope of eliciting any very satisfactory reply, but that I may seize the opportunity for contrasting the proposed treatment of the Yeomanry Cavalry and the Rifle Corps at the hands of the Government for the present year. The united voice of the country has called for increased measures of national defence, both naval and military. To our naval defences we have given a just prominence, but the application of steam to our vessels of war has so entirely changed the system of naval tactics, that the possibility of a strong invading army being thrown on our shores cannot be doubted. To meet this contingency, a strong addition to our domestic forces, in aid of the regular troops, was the only alternative, a revival of the volunteer system at the commencement of the present century, during the threatened invasion of the first Napoleon, whose ideas his illustrious nephew has declared it his mission to fulfil. In 1803, when the French army occupied the heights of Boulogne, 300,000 Volunteers were under arms in England and Scotland; and in this general formation of our Rifle Corps, promptly and nobly has the country met the emergency, for in little more than twelve months, from 100,000 to 120,000 Riflemen have been raised, thoroughly equipped and prepared to be called upon, at a moment's notice, for the defence of their country. A finer or more soldier-like body of men were never raised either in this or any other country, and in the event of any sudden panic, or serious apprehension of invasion, that number would soon be increased to 300,000 men, not, as in old times, armed with Brown Bess, but with a much more destructive and deadly weapon, the British rifle. It was in vain that the noble Premier attempted to ridicule and quash this movement by calling it a "Rifle fever." It was in vain the hon. Member for Birmingham protested against the expenses that would ensue from making any counter preparations against the naval and military preparations of France. Englishmen valued too highly their independence, their birthrights, and their homes to leave them to the tender mercies of the Emperor. The indignant voice of England called for the general arming of her male population, and the noble Premier and the Cabinet were obliged to succumb to the voice of the nation, and the undoubted feeling of our patriotic Queen, who has so recently shown her approbation and appreciation of the Rifle Corps, by appointing a special levee for the reception of its officers. Now, for the sake of a paltry saving of £35,000, the Government would dispense with the annual meeting and training of the Yeomanry Cavalry, one of the oldest, and, I hesitate not to say, one of our most efficient domestic forces. This miserable pittance, now to be withheld, is but the pay of eight days during the year. It is accepted by the Yeomanry, not as any equivalent for sacrifices necessarily made of time and money, but as a complimentary acknowledgment by Parliament, and their beloved Queen, that they form a contingent of the regular army, and that their services may be required at any moment to assist in quelling intestine commotions, or for the protection of the country in the event of invasion. Many hon. Members, unconnected with this force, may not be aware that during eight months of the year a regular course of drilling is going on by permanent sergeants, in the pay of the Government, generally in the presence of some of the officers, sometimes in detachments at places specially appointed for the purpose of suiting the convenience of the men, often attended in such numbers as to form troops and squadrons; and it is not unusual for whole regiments to assemble (as is every year the case with that I have the honour to belong) three or four times before going out on permanent duty. The Yeomanry, like the Rifles, are for the most part raised from a particular class of Her Majesty's subjects, whose calling in life render them unavailable for the Line or the Militia, and their services would therefore be lost to the country if these branches of the service were abolished. But although we have been able to raise an army of Infantry Volunteers so readily, we must not suppose that any Government can, with

equal facility, replace any regiments of Yeomanry they may think proper to disband. A cavalry soldier is not made in a day; and there are only a certain number of men in each county who, from having been accustomed to the management of horses all their lives, are available for the Yeomanry service. Were the Rifle Corps formed to supersede either the Militia or the Yeomanry Cavalry as auxiliaries to the regular troops in the not impossible event of a struggle for our existence as a nation on our own shores? The Yeomanry of England never presumed to place themselves on a par with the regular troops of the country; but as a contingent in times of internal commotion, or a threatened invasion of the country, they have always been prepared to do their duty. The compliment paid by the Secretary for War at this particular juncture, when, snubbing an old constitutional force, he was toadying one only in its infancy, was, under the circumstances, most insulting. The efficiency of the Yeomanry Cavalry depends, of course, on their regular training and annual meetings, hitherto allowed by Government. It is all very well to say you will dispense with this every other year, and allow eight days' training once in two years. What will be the consequence? Why, that you will, by this kind of discouraging treatment, induce men to leave the Yeomanry to join the Rifles, and by degrees you will sacrifice the 14,000 men, with as many horses, which have hitherto been the pride of the country, and prepared at all times to obey the command of their beloved Sovereign. Although of necessity we look to the right hon. Gentleman the Secretary at War for providing the annual Military Estimates, I cannot believe that this treatment of the Yeomanry could have originated with himself; on the contrary, I feel more inclined to attribute it to the arbitrary will of the right hon. Gentleman the Chancellor of the Exchequer, who, in one of his economical fits, and setting aside the remonstrances of the Secretary at War, must have dashed his pen through a Vote probably approved of by every other Member of the Cabinet. The Yeoman, who feels a pride in the regiment to which he belongs, keeps a peculiar class of horse as his charger all the year round. If you assure him that his services are no longer appreciated, he will substitute another kind of animal, more adapted for farming purposes, but utterly useless as a charger. During the last two centuries, the Yeomanry have been looked upon as our chief domestic force, and the use they might be made of, should our shores be unhappily invaded, has often been acknowledged by military men in this House, for outpost duties, carrying despatches, cutting off supplies from the enemy, or in escorting prisoners of war. Are we, then, to grudge this paltry sum of £35,000 for the purpose of retaining its services, at a time, too, when we are reducing millions of our revenue to propitiate the French Emperor? Whatever may be the feelings and intentions of the Emperor towards this country is of secondary moment, when we consider that he owes his position in Europe and the safety of his throne to an army of 600,000 men. To the arbitrary dictation of this army, clamorous for employment, he must at all times inevitably submit, be it for good or for evil, for peace or for war. In justifying the measures adopted with reference to this arm of national defence, Mr. Pitt said, in 1804:—

"Although he entertained as high an opinion as any man of the superiority of our regular troops, yet he was convinced it was necessary to resort to some other subsidiary forces to defend the country. The regular army would always be the rallying point of national defence, but with the benefit of their example and of their instruction, he was convinced that other descriptions of force could be brought forward with great advantage. He wished to see the Volunteer forces of the country brought to the utmost pitch of perfection, in order that the regular army might be used to its full extent in assailing the enemy. He approved the Volunteer system, and would have wished to have it carried to a much greater extent in the counties bordering on the sea coast. He thought the Volunteer system capable of being made a permanent, solid system of defence, and a great source of national energy. The improvements of the system which appeared to him more immediately necessary were the assembling the small companies into battalions, and giving to each battalion a field officer and an adjutant. He also considered the number of days appointed in the year for drills as too small, and that instead of receiving pay for twenty, the Volunteers should receive pay for forty or fifty days. These alterations would certainly cause an increase of expense, but it appeared to him that it would be money well spent."

There was much in these remarks that applied equally to the Yeomanry Cavalry and the Volunteer Corps. The volunteer system had become permanent, and if it was to be properly carried out, facilities for drill and exercise must be afforded. The hon. and gallant Member concluded by asking the Secretary of State for War whether any Correspondence has passed between the War Office and the Treasury, or any other department of the Govern-

ment, respecting the omission from the Army Estimates of the usual Vote for the annual training of the Yeomanry Cavalry; and, if so, whether he has any objection to produce such Correspondence?

MR. DEEDES believed that an impression prevailed that the Yeomanry Corps were being looked upon with disfavour by the Government since the commencement of the Rifle Corps movement. He had nothing to say against the Rifle Corps, but thought the Yeomanry were entitled to a more definite answer than had been given to the question asked of the Government on their behalf. All he asked at present of the Government was, that if they had come to the conclusion that no Yeomanry Corps ought any longer to receive pay, fairly to state the fact.

THE GUARDS AND THE LINE.—OBSERVATIONS.

SIR JOHN TRELAWNY said, he rose to call attention to the effect of selection of Lieutenant-colonels of Regiments upon the relative positions of the Guards and Line in cases of Exchange; and to ask, Whether the grade of salaried full Colonels might not be abolished (as regards the future) without disadvantage, and so as to effect a considerable saving; whether Aide-de-Camps are subjected to adequate examination (as in a certain foreign service), and whether they have regimental pay when not on regimental duties; whether there is any ground for a difference between Guards and Line as to the necessity of certain officers going on half-pay before they can go on the Staff; and whether it is true that any Guards' Officers have as much as eight months' leave for the year? It appeared to him that such a system of selection, as the first part of his question referred to, would inevitably lead to difficulties and complications. It was in the power of an officer in the Guards, by exchange, to acquire the position of the selected officer in the Line, without any guarantee being afforded that he was fit to discharge the duties of so responsible a post. There were a great many Lieutenant-colonels in the Guards; and this was, therefore, a very important question. The next point related to the abolition of the salaried Colonelcies. The manner in which one of these places had recently been filled up was universally held to be so indefensible, that it had excited suspicion as to the propriety of maintaining these sinecures. It was understood that they were intended as rewards to be conferred on Officers for distinguished military services, and as such were justifiable, although he thought the reward might be bestowed in a more direct and satisfactory manner; but no excuse could be offered for the appointment which had just been made, and which could be characterized only as a most iniquitous job. His next question was as to the examination of Aides-de-Camp. This class of Officers enjoyed very high pay, and were often intrusted with very delicate and important duties, and he thought they should be required to pass through the Staff College. His next Question was, Whether it was true that Officers of the Guards had eight months' leave of absence in the year? The expense of maintaining the Guards was very considerable. There was a Colonel-in-Chief of the Grenadier Guards with £2,200 a year; another for the Coldstreams with £2,000; and another for the Fusileers with the same pay. He was satisfied that on the three regiments of Guards alone as much money could be saved, without any difficulty, as would provide Her Majesty with more than one complete regiment of the Line. The extra allowances of the Guards were very large, in comparison with those of the Line, and might well be reduced. He was told that, by some sort of underhand arrangement, it was possible for an Officer in the Guards to obtain leave for eight months in the year; and as the rule was that after five years' service he became a Colonel, he might attain that position by actual service for only twenty months. He wished to know whether that report was true?

GENERAL PEEL: My object in rising is to call on those hon. Members who have expressed the opinion that these Estimates are extravagant to come forward and state upon what grounds they consider them to be extravagant; and I especially address myself to the right hon. the Chancellor of the Exchequer and to the hon. Member for Birmingham, if they happen to be in their places, because the right hon. Gentleman, in introducing his Budget, spoke of them as enormous, though he trusted only temporary, and the hon. Member for Birmingham has been going through the country denouncing them as extravagant and useless. I invite all hon. Members who agree with the hon. Member for Birmingham who may be here to come forward and state the grounds on which they consider

them extravagant, and how they propose to reduce them. For my own part, I have no hopes whatever that a reduction of expenditure can be accomplished by a reduction in these Estimates. There is one point on which we should all be perfectly agreed, and that is that it would be a great advantage if it were possible to fix some permanent peace establishment, which would not be subject to these sudden augmentations and reductions, and squaring of the Estimates, which are not only detrimental to the service, but must always lead to great uncertainty as to the amount of money to be voted and variation in the Estimates. By the peace establishment I mean the number of men necessary to perform the ordinary duties of the army in time of peace, including the garrisons and colonies abroad, and sufficient to protect this country from any attack that would be made upon it. I am aware that the House of Commons labours under a great difficulty in forming a correct opinion upon the subject, because they are not yet in possession of the same information which the Government and the highest military authorities possess. I might have had some hesitation in alluding to the confidential Report of the Secret Committee appointed by the late Government, to which I belonged, if two of the Members of that Committee had not been examined before the Organization of the Army Committee—namely, his Royal Highness the Commander-in-Chief and Sir John Burgoyne. I know that I am not in order in referring to evidence which is not before the House ; but, as it is shortly to be presented, it would be affectation in me to pretend ignorance of the fact that it is the opinion of the highest military authorities that there is not a sufficient amount of regular forces in the country, and that every means should be taken to increase it ; and I take it for granted that the present Government coincide in that opinion, because they immediately proceeded, without waiting for the authority of Parliament, to augment the army by the addition of 6,456 men, raising the total amount of Her Majesty's forces from 229,356 to 235,852. In addition they proposed an army of reserve of 20,000, of which we have heard very little. This augmentation had no reference whatever to the requirements of India, because at that time a large number of men were returning from the East. The number of men on the Indian establishment last year was 92,490, and I have on a former occasion pointed out that it is a far larger number than any one could anticipate the Indian Government would require or could be prepared to pay for during the whole of the financial year. Neither could the augmentation have any reference to the war with China, because with the exception of one battery of Artillery and one regiment of the Line, all the troops in China have proceeded from India, and have been transferred from the Indian establishment. There are also 4,600 Native troops in China, who are not included in the troops voted by Parliament, and will be an additional augmentation of our army. There is no provision for them in these Estimates, but they will be paid, I presume, out of the China Vote of credit of £500,000, which is supposed to be sufficient to cover the whole expenses of the Chinese war. I think I am justified, therefore, in saying that the Government must be of opinion that an addition to the regular army is required for the proper defence of the country ; and, indeed, the right hon. Gentleman the Secretary for War, in his able speech in introducing the Estimates, fully succeeded in proving by comparison with the armies of other countries, and the proportion of troops to population, and considering the duties that they had to perform, that the number he asked was extremely moderate. He also proved, and I think very clearly, that the addition he proposed to the Engineers would be actually an act of economy. Then comes the squaring of the Estimates to which I have alluded, which was rendered necessary by the introduction of the Budget before the Estimates were voted, a proceeding which has rendered the revised Estimates, not the Estimates of the Secretary for War, but of the Chancellor of the Exchequer. The proposed augmentation of 6,456 men vanishes, and the total number is reduced below what was voted for the previous year; that is to say, that instead of a larger number, the total number is less than it was last year. [Mr. Sidney Herbert: Not less than last year.] Yes, upon the whole army. We have got an additional provision for pay and allowances of £257,000, equal to the pay of 8,500 men ; although I shall show there is only a nominal increase of 1,900 ; and of those 1,900, not one more will be available for the defence of this country than last year. They were all present in this country before in depôts of the regiments in India. The only difference

is, that they are transferred from the Indian to the British establishment; and we have to pay for them, instead of the Indian Government. I am perfectly satisfied that this re-adjustment of the account for pay and allowances was necessary; otherwise there would have been, as I pointed out when the first Estimates were laid upon the table, a large excess upon these Votes. Then there is the embodied Militia—and I quite agree that it is necessary to take all the Votes together. There is £320,000 for the embodied Militia, or pay and allowances for 10,000 men. The return of the British regimental establishment for 1860-1, of all ranks, exclusive of the Staff, shows 140,000; so that together there are pay and allowances for 150,000 men. On the 1st of April last the return of the number of effectives on the British regimental establishments, and of embodied Militia, was 153,195; or 3,195 in excess of the number voted by Parliament. I know that that excess may be met by the disembodiment of Militia, but you of course reduce in proportion the number of men you have hitherto thought necessary to keep in this country, and unless the Indian revenue bears the expenses of a larger number of men than is fixed for their establishment, which I do not think they are likely to do if they can help it, you will have an excess upon the Vote for the regular army. You have got, as I have said, upon that Vote money for 140,000 men exclusive of the Staff—you have deducted the pay and allowances of 4,000—from the 145,269 as pay of men wanting to complete the establishment, but they are only wanting because they have not yet been transferred from the Indian establishment. They are all raised, and on the 1st of April, instead of men being wanted to complete, there was an excess upon the numbers voted by Parliament in the whole army — namely, effectives in British Establishment 133,962; Indian Establishment 94,829; Staff 1,121; total 229,912, against the number voted 228,854, or an excess of 1,098. Now, I am not finding fault with the number of men you have provided for. I think 150,000, exclusive of the Staff, would be sufficient for the British Establishment, although it would not supply the number of men considered by the military authorities, to whom I have alluded, as necessary for the defence of the country. The amount of regular troops necessary for the defence of the country must always depend upon the amount and efficiency of the Militia and Volunteers, who must be looked upon as the Reserve. Now, it was my opinion from my first entering office, that the Militia, as at presented constituted, is a very expensive and, comparatively speaking, very inefficient force. The quota of the regiments are no indication whatever of the real strength that might be relied upon; and I think further, that twenty or twenty-eight days' training in a year is not sufficient to make them soldiers; it would be quite sufficient in the case of those regiments who have been embodied, and who have only to practise what they already have acquired, but I believe the larger portion of the Militia have only lately been supplied with the Enfield Rifle, and that many of the regiments have never had an opportunity of learning the use of them. Now I quite agree with the Secretary of State that the Militia should be what it is intended to be, an army of reserve, and not to be embodied in time of peace, unless under very particular circumstances; but I think that if one-third of the Militia were sent every year to the camps of instruction, and kept out for a much longer period than the usual time of training, then the ordinary period of training for the next two years would be all that is necessary. Now do not let it be for a moment supposed that I am underrating the services of the Militia, or underrating the services they have performed to the country. Without the Militia we should have been unable, in my opinion, to put an end to the Indian mutiny, as a sufficient number of regular troops could not have been spared if the Militia had not supplied their places, and also supplied their ranks by the number of volunteers they furnished to them. I must also bear testimony to the efficiency which these regiments attained, rendering them equal to regiments of the Line, and it is because I wish to see the numbers of the Militia kept up, and more opportunities given them of becoming efficient when not embodied, that I make these remarks. I appointed a Royal Commission to inquire into the organization of the Militia, which had not reported when I quitted office; but I trust that upon their recommendations the Secretary at War will be able to make great improvements. I have to congratulate the Secretary of State on the success of the Volunteer movement, and I am sure that every Englishman must look with pride and satisfaction to the magnificent army that is growing up for the defence of the

country, composed of men whose zeal, assiduity, and intelligence, will speedily secure their efficiency. Still I trust that the Volunteers will ever be looked upon as auxiliaries to and not substitutes for a regular army, and that constitutional army of reserve—the Militia. There is another force also to which I think the country is greatly indebted, and which I sincerely regret it is not proposed to call out for training during the present year, I mean the Yeomanry, to which my hon. Friend (Major Edwards) has called attention. I fear that our not doing so will interfere with the power of officers to keep up their numbers, and must also interfere with their efficiency. If the period of drill given to the Militia is not sufficient to form an infantry soldier, still less is that accorded to the Yeomanry sufficient to make a cavalry one; and unless you keep up these corps, to at all events a certain standard of efficiency, you had better abandon them altogether. You are only going to useless expense in maintaining them. Now in stating that I consider the number of men to be voted for the regular army sufficient to perform the duties required from it in time of peace, I am making ample allowance for the assistance that is to be expected from all these forces in defending the country. The number of the regular army in this country will still fall far short of those considered necessary by the military authorities I alluded to, and are only sufficient to perform those duties which none of these other troops can be called upon to do. The system of relief laid down as necessary for our regiments on foreign service has never been able to be carried into effect, and one of the greatest boons and benefits that ever was promised to the British army has been hitherto unavoidably denied to them. It was laid down that for every ten years' of foreign service, each regiment should have five years at home—but what has been the practical result? I take regiments without any selection whatever, and by mere accident I met an officer belonging to a depôt battalion, and asked him to give me the period of services, at home and abroad, of the regiments composing it; and this is the result. The 1st Battalion of the 1st Foot had served 24 abroad and 6 years and 8 months at home. The 1st Battalion of the 6th Foot had served 33 years and 8 months abroad and 5 years at home. The 54th Foot, 34 years and 3 months abroad and 6 years and 5 months at home. The 56th, 40 years and 10 months abroad and 11 years and 11 months at home. The 66th, 26 years and 7 months abroad and 13 years and 2 months at home. The 88th, 26 years and 9 months abroad and 8 years and 9 months at home. It appears by this that only one regiment out of the six I have referred to has been at home one-third of its time. I think I have stated sufficient to show that there is no hope of any reduction being made in these Estimates dependent upon a corresponding reduction in the number of men. On the contrary, there is an element which will create a great increase in the expenditure which does not appear in the Estimates. With regard to the Votes themselves, that for the Volunteer Corps it is quite evident must be increased. The sum set down this year towards the payment of their expenses is only £15,000. Clearly, you will have to take a much larger sum next year. I think that you must also provide for calling out the Yeomanry next year on permanent duty. You have saved some £40,000 by not calling them out this year. Although you propose by the Estimates to increase the number of men, you have reduced the Vote for clothing by £18,000. This is owing to a God-send of £233,000 due from the Indian treasury for clothing furnished and paid for out of last year's Estimates. With regard to the barrack accommodation there is no probability of any diminution being made in the Vote under that head. We are building new barracks in Chelsea, in Nottingham, and in Glasgow. In future years, instead of a diminution of expenditure under this head, I think there will be rather an increase of it for the purchase of adequate sites for those buildings. With regard to the fortification Votes, it is perfectly impossible to say what the expense in that particular will be until all the plans are before you. Any addition to this Vote for fortifications must naturally lead to a large increase in other Votes. You cannot have fortifications without men to occupy them, guns to mount on them, ammunition, stores, &c. All these considerations have nothing to do with party questions, and my only motive for calling the attention of the House to them is, that we should fully understand what is the exact amount of defence for the country which is proposed by the Government. With regard to the Motion of which notice has been given by my hon. Friend the Member for Staffordshire (Mr. Adderley), I am of opinion

that it is much too important a question to be discussed incidentally in a debate on the Army Estimates. I hope, therefore, that it will be brought on separately in the shape of a substantive Motion for a Committee to inquire into the subject.

LAND TRANSPORT CORPS.

OBSERVATIONS.

MR JOHN LOCKE said, he rose to call the attention of the House to the claims of the Artificers of the Land Transport Corps, enlisted during the Crimean War, and to the non-fulfilment of the conditions under which they were so enlisted; and to ask the Secretary of State for War, Whether it was the intention of the Government to satisfy those claims, or to cause an inquiry to be made respecting them? He wished to state to the House the facts of the case, which were these:—In the year 1856, it was necessary that a corps should be formed which should unite within it a body of artificers who should be of service in their various trades out in the Crimea. The class of men who enlisted were persons who were earning in this country as much as 5*s.* and 6*s.* a day. The enlistment paper for those men was the ordinary enlistment paper used before the magistrate; but, in addition to that, a placard was circulated, in which it was stated what was to be the pay of those men. That pay was to be altogether different from the ordinary pay of the soldier. The placards stated that the pay was to be 5*s.* or 6*s.* a day, according to the nature of the employment, and likewise that the men were to serve for two years, if required, and for a further term of one year, if so directed by an Order in Council. He wished now to call the attention of the House to a most important circumstance connected with the enlistment of these men, attested by no less than thirty of those men who had made declarations upon their oaths before a magistrate. He believed also that he should be borne out in this statement by the hon. Member for Greenwich (Mr. Alderman Salomons), then Lord Mayor of London, before whom a number of those declarations had been made. The men stated that they were enlisted upon a clear understanding between them and Captain Vokes, that after their services should be no longer required, they were to get three months' notice or three months' pay. Now, what had been the course pursued by Her Majesty's Government? In August, 1856, a portion of these men, about 130 in number, were brought back to England from the Crimea, and their services being no longer required, they were discharged at Gosport, after having served about six or seven months. Upon their discharge they received £1 which was the ordinary course pursed in regard to a common soldier. They also received a paper discharge instead of a parchment one, which afforded to them no protection against being again called upon to serve by the Government. These men made a claim for three months' pay, not having received three months' notice, according to the contract made with them by Captain Vokes on behalf of the Government. This was refused. Another body of those men, amounting to 170, were, on the 9th of June, 1856, sent to Malta, from thence to England, and were afterwards discharged at Horsfield Barracks, Bristol. These men also complained of the mode in which they were discharged, and made their claim for three months' pay. They were compelled to take the paper discharge, although a parchment discharge was necessary in order to relieve them from the service, and to leave the barracks under coercion, and one man was placed under arrest for protesting against being discharged under such circumstances. Their clothing was taken from them, which was estimated at the value of £4 a man. There had been an attempt made in that House to have an inquiry into the case of these men, but from some cause or other they were not included in the inquiry which took place with respect to the drivers. The case of the artificers and that of the drivers was, however, totally different, and whatever decision that Committee might have come to, it was to be taken as no authority in deciding the case of the artificers. Failing to obtain any satisfaction, the men were driven to make application at the Horse Guards. They had an interview with the Duke of Cambridge, and, as he (Mr. Locke) was informed, his Royal Highness stated that the case did not come within his Department; but he said that the paper discharges which they had received were incorrect, and they ought to have received parchment discharges. He (Mr. Locke) should mention that subsequently parchment discharges were offered to some of the men, but they were antedated, the effect of which would have been that a person taking one of those discharges would have relinquished his claim

General Peel

to the three months' pay or three months' notice. What he had to complain of more especially was, that at an investigation which afterwards took place at the Horse Guards before a board of officers appointed to inquire into the subject, the men had no opportunity of being heard. That tribunal took Captain Vokes's word, without giving the men any opportunity of being confronted with him and making their statement, although they repeatedly demanded to be heard face to face with Captain Vokes. The men complained most strongly of that *ex-parte* inquiry, so unfair to them and so un-English in its character. After this a letter was addressed to the artificers, telling them that they had consulted Captain Vokes, who informed the Board that they had no claim to three months' pay. The Board therefore took the statements of the officer who enlisted them and decided behind their backs. This was a most unjustifiable course. Both sides ought to have been heard, and an opportunity should have been given to the artificers to prove before the board of officers the statement they had made before the Lord Mayor. The position of the men was certainly, to say the least, quite as respectable as that of the person who was examined, and upon whose *ex-parte* statement implicit reliance was placed. A contract had been broken, and the case was one demanding an impartial investigation at the hands of Her Majesty's Government.

MR. ALDERMAN SALOMONS said, that when he was Lord Mayor of London some twenty-five or thirty of these men solicited his assistance, and he had taken an interest in their case, because they stated that they were unfairly treated, and they appeared to be respectable men. He had had a correspondence with the authorities, and had seen Colonel M'Murdo on their behalf; but nothing had been done for them, except awarding them £1 each, on their discharge, as had been stated by his hon. and learned Friend. He still thought these men had not been treated fairly, considering the terms of the advertisement by which they were invited into the service. He held in his hand a placard issued by the authorities, which advertised for a number of artificers belonging to certain trades, and which stated that the services of sober and intelligent men were required, and would be paid for at certain rates, from 5*s.* 6*d.* to 7*s.* a day, clothing and rations free. The term of service was stated to be two years, with an option on the part of the Government to prolong it another year, or the men were to be discharged at the end of the war if their services were no longer required. The Government had availed themselves of the last condition, and had discharged these men at the end of the war, which happened when they had been only engaged from three to six months. These men had left good places for the purpose of making an engagement for two years, and with a chance of being required another year in the service of their country, and they were shortly afterwards discharged with only £1 each as a compensation. That was all the reward they had obtained, and he thought there were no men more deserving of the consideration of Parliament, for these men had not had their fair hire awarded to them by the Government, and he was one of those who believed that every man was worthy of his hire.

COLONEL NORTH said, that having served on the Committee which had investigated the claims of the officers of the corps, he must express a hope that the case of the men would meet with the consideration which he was sure it deserved. The officers were about to be shamefully treated when their case was taken up and a Committee appointed. Owing to the proceedings of that Committee, justice had been done to them; and he trusted that the men would not be dealt with in a different manner.

ARMY PROMOTION—WARRANT, OCTOBER, 1858.—OBSERVATIONS.

COLONEL LINDSAY said, he wished to call the attention of the House to the Army Promotion Warrant of October, 1858, in respect to the position of certain General Officers who accepted promotion on half-pay, in accordance with the terms of the General Order of the 25th day of April, 1826, and are now receiving only the half-pay of their former Regimental Commissions. It was necessary to explain how unattached pay arose. Formerly there was no unattached pay to General Officers at all. The system, so far as it regarded officers of that rank was commenced in 1814, and in 1822 was placed upon the basis on which it had remained down to the year 1854. It was then established that there should be, besides colonels, 120 General Officers receiving at the rate of 25*s.* a-day; the remaining General Officers

beyond that number were to receive the full pay of their last regimental commissions. It was provided, however, that they should have served six years in the regimental position of a field-officer. If not, they were not to be entitled either to 25*s.* a day or to the full pay of their last regimental commission. The next move with regard to unattached pay was made in 1823, when half-pay commissions were introduced into the Ordnance Corps, with the view of promoting young officers. That system worked well in the Ordnance Corps, and in 1825, it was introduced into the Line. It worked well in the Line up to a certain point, but there it stopped. The large class of brevet field-officers serving in inferior regimental ranks became inconvenient to the service, and an order was brought out making an arrangement to relieve the regimental ranks of those officers, many of whom were very old. This was the account Sir Herbert Taylor, then Military Secretary, gave of the matter in his evidence in 1828. He described the inconvenience which the regimental ranks suffered by brevet field-officers serving in the rank of captain, and brevet lieutenant colonels serving as majors, and the necessity of getting rid of these officers by placing them on half-pay. He would now call attention to the General Order of the 25th of April, 1826. It had received the sanction of Lord Liverpool, then First Lord of the Treasury, and Lord Palmerston, then Secretary at War. It declared, with reference to brevet field-officers, that it was most desirable to relieve regiments of them, and spoke of conferring some boon upon them for their service. The boon they received was being placed on half-pay, for nearly 34 years, of 9*s.* 6*d.* a day, while they were in the actual receipt of 13*s.* 7*d.* a day. These officers, therefore, had received 4*s.* 1*d.* a day during 34 years less than they were formerly in receipt of, making a sum of £2,400 which they had lost. It might be asked why they did not avail themselves of the provisions of the Order of the 25th of April, 1825. The answer was simple. Being brevet field officers they would, if they had gone out under that Order have been obliged to purchase a field officer's rank; but having got that already there was no object in paying for it. It would not have been worth their while to do so merely for the purpose of availing themselves of the Order of the 25th of April, 1825. The Government, finding that these officers would not go on half-pay by purchase, under the Order of 1825, were at last driven, to bring youth into the ranks, to issue the Order of 1826, and pledged themselves if these officers accepted half pay under the terms of that Order for the good of the service that they would neither forfeit for themselves or families their future claims on the service. With respect to the six years' rule, it lasted only while these officers were in the regimental ranks; it expired when they accepted the terms offered. No less than three of the number who accepted this unattached pay were senior captains of their regiments, and a death vacancy or a movement of the staff would have given them the substantive rank they got on half-pay; others were second and third captains; with one exception they were all high up. When this Motion was formerly introduced by his hon. and gallant Friend the Member for Oxfordshire (Colonel North), it was attempted to be shown that the only claims these officers did not forfeit were those for their wives and families, but the General Order distinctly stated that they did not forfeit "for themselves" "or families" their future claims on the service. What claims had these general officers ever been able to make for themselves? One of those claims, if it could be called a claim, was, that they had immediately endeavoured to return to full pay by exchange. But the exchange to full pay depended on whether the authorities gave them an opening for that purpose, and also on the state of the list at that time. He held in his hand letters from four of these General Officers, all declaring their extreme disgust at the treatment they had received, and stating that they never would, under any circumstances, have accepted this substantive rank on half-pay if they had had the slightest idea that such would be their treatment. They expected to have been employed, and to return again to full pay, whereby they would have served the six years as field officers; or, if they did not return to full pay, they distinctly understood, from the terms of the Memorandum and General Order of 1826, that their claims would have been recognized. If it was really to be held that the claim for their widows was the leading feature in that General Order, it was a curious fact that no fewer than four of these officers had never been married, and they had informed him that in 1826, when they accepted this half-pay, they had

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not even the slightest intention of marrying. The benefit of their widows could hardly, therefore, have been any inducement with them in accepting the position that was offered to them for the convenience of the service. He had the authority of the right hon. and gallant Member for Huntingdon (General Peel) for his reading of the General Order—namely, that under its terms these officers were fully entitled to receive the pay of General Officers, and that a distinct pledge was given them that their claims should not be forfeited by going on half-pay. The only claim they had had an opportunity of putting forward was the one which he now asserted on their behalf—namely, that they should be placed in the position of General Officers, receiving General's pay, instead of receiving, as at present, only the half-pay of captains. The manner in which these officers were gazetted, totally differing as it did from the usual form, also showed that the offer of substantive rank made to them by the Government was made for the convenience of the service, and for that only. A binding contract had been entered into with them on the part of the State which had never yet been fulfilled. The correspondence between the Treasury and the War Department on this subject proved that the matter had not been sufficiently explained to the Treasury, whose answer was given without a full knowledge of the circumstances. He trusted, therefore, that the right hon. Gentleman opposite (Mr. Sidney Herbert) would now be able to state that these claims would receive a fair consideration at the hands of the Government. Another point to which he wished to call attention related to a warrant issued on the 1st October, 1858, placing surgeons in the army, on completing the age of fifty-five, upon half-pay. This rule, having a retrospective action, had operated with extreme hardship and injustice upon a body of most valuable men. If these officers were really too old for their work, or had been ruined in health by a foreign climate, it would doubtless be the duty of the Secretary of State to supersede them. But he knew that many of them were in the full possession of all their faculties and every way efficient for the service. Yet, having attained the age of fifty-five, they were arbitrarily removed from their positions, and deprived of the rank and pay to which they looked forward at the close of their career. The Order was the more severe upon them, because, if they had obtained the rank next above that which they occupied they would have been entitled to remain ten years more in the service. A warrant had lately been issued for the navy, under which medical officers, of equal rank to the army surgeons, whose case he advocated, were not obliged to retire till they reached sixty. One of the officers to whom he alluded had been thirty years in the service, twenty-one of which had been passed in the Colonies; he was a man of great vigour and activity, and he had been told that if he had not been serving in a more distant part of the empire he would have been employed in the Crimea, where he would have had a chance of rising to high rank. The only compensation these surgeons had received was simply 1*s.* 6*d.* a day —an amount that was no equivalent for the great sacrifice they had been called upon to make. They had, indeed, also obtained honorary promotion to the rank above them; but of what avail was the mere rank of Deputy Inspector of Hospitals without the substantive advantages attached to it? A medical officer, who sat upon the Sanitary Commission over which the right hon. Gentleman opposite presided, had fully acknowledged the hardship inflicted on these officers, and stated that he scarcely suspected they would have suffered so much as it now turned out they had done. The warrant had pressed with great severity on men who had faithfully served their country in distant parts of the globe, and it would have been only a graceful act to grant them some compensation for the loss entailed upon them by the retrospective effect of an Order which they could never have contemplated when they entered the service.

COLONIAL MILITARY EXPENDITURE.

OBSERVATIONS.

MR. CHILDERS hoped that the right hon. Gentleman the Member for Staffordshire (Mr. Adderley) would accede to the suggestion which had been made by the right hon. and gallant General (General Peel), and abstain from calling attention, on that occasion, to the military defence of the Colonies—a subject which he should like to see referred to a Committee. At the same time, he thought it desirable to bring under the notice of the House a preliminary matter which bore upon that question, and to point out that the mode in which the military Estimates were, and

had for some years been framed, did not accurately exhibit the amount which was contributed by the Colonies for the pay and expenses of the troops which were employed in their defence. These Estimates ought to be based on one of two principles —either no reference at all should be made to money coming in from other sources than the Imperial Votes; or they should show, first, the entire amount of charge, and next the money coming from other sources, and then the House of Commons should be asked to vote the balance. The latter, he thought, would be the preferable mode. He had carefully gone through the Estimates of the last five or six years in reference to the colony of Victoria, in which he had for some years resided, and had compared them with the estimates of the local Legislature; but he found such extraordinary inconsistencies and disclosures, that he felt it necessary to call the attention of the House to them before going into the general subject. In the year 1855 the Legislature of that colony voted £200,000 for their military expenditure, of which £32,000 was for the Imperial and £33,000 for the colonial pay of the troops stationed in the colony, and £53,000 for the expenses included in Vote 8. The only sum, however, for which credit was given to the colony was one of £5,146, which was included in the Estimates submitted to that House for the year 1856–57, under the head of "Payments into the Exchequer." In the year 1856–57 the Colonial Legislature voted £12,000 for the staff, £33,000 for the regiment stationed in the colony, £12,000 for the extra cost of provisions, among other sums, exceeding in all £150,000 for military purposes; and yet no notice was taken of this in the Imperial accounts. All this time there appeared in the Home Estimates that an express deduction was taken for the pay of troops stationed in the Australian Colonies amounting to £1,427. In the following year the Legislature of Victoria voted for military purposes £147,000, of which £3,500 was for the staff at Melbourne, £30,000 for Imperial, and £31,000 for the colonial pay of the troops, and £45,000 for the ordinary contingencies under vote No. 8. In that year credit was given to the colony for only the insignificant sum of £3,600. In the year 1858-59 credit was given to the Colonies for a sum of £26,175, as paid into the Exchequer. How the sum came to be £26,000 that year, £3,000 in another, and £5,000 in another, when really £50,000 or £60,000 was contributed annually, he was at a loss to say. After that year the colony altered its arrangements, and in the following year the Legislature voted a sum of £38,075 "to be granted to Her Majesty for the head-quarters staff and Her Majesty's troops in Victoria, to be paid over to the officer commanding the troops, and to be distributed by him in such manner as to Her Majesty may seem fit." That, as he understood it, was a distinct contribution from the colonial revenues towards the ordinary and extraordinary Imperial expenditure for the troops stationed in the colony; and yet for that year only £5,136 appeared as having been paid into the Exchequer as a contribution from the colony. In the year 1859-60 the sum voted by the colonial Legislature was still more, I think above £40,000, for not a farthing of which credit was given in the Estimates presented to that House. His object in calling attention to this subject was that past irregularities might be cleared up, and that so far as Victoria was concerned, he might assist in establishing a basis for deciding the important question which had been referred to by the right hon. and gallant General.

THE ORDNANCE CORPS.

OBSERVATIONS.

CAPTAIN JERVIS, in calling attention to the condition of the Generals and Commanding Officers of the Ordnance Corps, said, that it would be in the recollection of the House that in April, 1858, an Address was voted to Her Majesty praying that the entrance in the Ordnance Corps should be by competition, according to the principle adopted in 1855. He believed the object of the House in agreeing to that Address was, that the best men the country could supply should come forward and compete for these appointments; and he believed that was also the intention of Her Majesty when she signed the Warrant. But unfortunately for the young men who had successfully competed, they found that it led to nothing. The Ordnance officers complained that they did not obtain those commands to which they considered themselves entitled. There were some ill-natured people who said it was because the officers of the Ordnance corps consisted wholly of younger sons and other nobodies, of whom nobody cared what became of them. But the right hon. and gallant Gentleman the Member for Huntingdon, when he was

at the War Office, said the real cause was the old age to which the officers of those corps attained before they became General officers. He would not go into the question how that was to be remedied now; but he thought it right to call the attention of the House to the way in which that difficulty was overcome when it was encountered among the officers of the Line. He found that when the War Office could not find a General officer in the Line of sufficient active habits to undertake a command it was their practice to take a colonel, and give him local rank as brigadier general for the purpose. He found in the *Army List* of last month acting in this way Colonel Cuningham, Colonel John Lawrenson, Trollope, and several others whom he might name. The officers of the Ordnance corps, therefore, were apt to think that the ill-natured people were right after all, and that it was owing to their want of interest that they did not obtain those commands to which they were entitled. See how differently matters were managed in the Ordnance from the Line. For instance, he might refer to Aldershot, which he believed was instituted for the instruction of officers as well as of men; yet there he found an Artillery force of 2,190 men, with 1,200 horses and 60 guns—an Artillery force sufficient for an army of 30,000 men—under the command of a colonel of Artillery who was not even a brigadier. In the South-eastern district a colonel commanded 2,300 men; in the South Western a colonel commanded 3,000 men; in the Western a colonel commanded 1,500 men; and in Ireland a colonel commanded 2,500 men. Now, he appealed to any one whether the rank of brigadier ought not to be given with such commands as these. The matter was last brought before the House by his gallant and lamented Friend the late Captain Leicester Vernon in 1856, and he was replied to by the noble Lord who was then, as now, at the head of the Government, who assured the gallant Officer that the question he had brought forward was one of great importance and that it should receive due attention at the hands of the Government. What attention the Government had given it he did not know; but the matter remained exactly as it was. Now, a command was to an officer of the army what a judgeship was to the Bar or a bishopric to the Church—a means of stimulating them to an active discharge of their duty; and if these inducements were not held out to the officers of the Ordnance corps in common with others, they could not expect their duties should be done with the same spirit that it was always desirable Her Majesty's officers should show. He believed this was an entirely financial question; the difficulty lay in the small expense between the pay of a colonel and a brigadier; but that difference was really so small, while the encouragement it would afford to the Ordnance officers was so great, that if the right hon. Secretary could hold out any hope to the service that it would be conceded to them, it would be of the greatest public advantage.

RIGHTS OF FISHERY—(IRELAND).

OBSERVATIONS.

Mr. CONOLLY said, that he had a Motion on the paper which involved a serious charge against the right hon. Gentleman the Secretary of State for War. He was precluded making that Motion on the present occasion, inasmuch as the right hon. Gentleman had not yet presented the Return to the House for which he had moved. When the proper time came he should move that an humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to give the necessary orders to Her Majesty's Government (War Department) to enable them to restrain the Officers of Engineers in Ireland from putting forward Claims to Rights of Fishery on the Coast and in the Inland Waters in Ireland, in respect of Lands or positions held for purely military purposes, whether they be Batteries or other Coast Defences, or Barracks, Parade Grounds, Forts, and Store-yards in the interior. What he complained of was that the War Office had used positions occupied for merely military purposes to set up rights that really had no existence whatever. The answer given by the right hon. Gentleman on a former occasion was very far from satisfactory. It put forward two issues. The first was, what he would call a reference to "the Circumlocution Office," inasmuch as the right hon. Gentleman referred him from the Office which he conducted with such ability to the Court of Chancery. But as the right hon. Gentleman had himself established the grievance of which he (Mr. Conolly) complained, he had no ground for referring him to the Court of Chancery to defend his rights. The Government were no tsetting up certain rights, like a

private individual, but they were using the funds of the State to do that which they were not entitled to do by law. His remedy was not in the Court of Chancery, but in that House, and he should ask for redress at their hands. The right hon. Gentleman was certainly so far wrong in his claims to these fisheries that when the hon. and gallant Member for Huntingdon (General Peel) had put them forward before him, such was the excitement they gave rise to in Ireland that the Secretary of State for that country remonstrated with the War Minister, and the claims were allowed to lie in abeyance. New brooms, however, swept clean ; and when the right hon. Gentleman (Mr. S. Herbert) came into office he put the full vigour of his Department to work, in order to assert the claims which he (Mr. Conolly) was prepared to dispute. He now came to the second issue, which he should designate the officially evasive answer. The officially evasive answer was this—the Department over which the right hon. Gentleman presided with so much plausibility, had certain rights as connected with the estates held by the military powers in Ireland, and they were only exercising the same rights as other landlords when they put these fisheries up to public competition. He joined issue here as to a matter of fact. The military stations in different parts of Ireland were in some cases so small as to be literally positions for defence, and not in any case worthy the name of estates. Some of them were merely barren rocks, which, however, from their projecting position on the coast, were very valuable as fishing stations. He must say that he looked upon the right hon. Gentleman as the monster poacher of the Government, for he was using the funds of the War Department to attack the fisheries of the Irish people, and he had offered the rights of private individuals for public competition. He believed it was even contemplated by the War Department to claim a right of fishing for every Martello tower round the coast. If the right hon. Gentleman did so he might despair of obtaining volunteers for Her Majesty's service, since he would bind together all the maritime population against the Department with which he was connected, under a feeling of injustice grounded on common sense. He maintained the War Department had nothing to do with fisheries. They had quite enough to do with Volunteers and all the new fangled machines to destroy life, without destroying fish.

Mr. Conolly

GENERAL SIR CHARLES GREY'S APPOINTMENT.—OBSERVATIONS.

SIR DE LACY EVANS, in rising to draw the attention of the House to the recent appointment of General the Hon. Sir Charles Grey to the Colonelcy of a Regiment, observed :—A Notice stands in my name respecting the recent appointment of General the Hon. Sir Charles Grey to the sinecure Colonelcy of a Regiment. That Notice has been caused somewhat accidentally. In the Committee on Military Organization I took the liberty, a few days since, of asking the Secretary for War, in the course of his evidence, a question, which is reported in the following words :—

"In the highest appointments (for which you are responsible) you include, do you not, nominations to colonelcies of regiments ?—Yes.

"There has been an appointment (to a colonelcy) which attracted a good deal of public attention ; did that appointment come under your notice ?—Certainly ; I am responsible for it.

"I do not wish to press the question, but it might, perhaps, be agreeable to you to state the reason for that appointment ?—I would sooner you put that question to me in the House of Commons."

Now, I consider this invitation as leaving me no option but that of submitting the question, which I now do, on the present Motion. And, considering the very serious principle involved in this recent appointment, I am very glad that it has thus devolved to me to bring it to issue; for, if it be to be regarded as a precedent, it is but right that the fact should be made known to the army and to the public. In 1833, a Select Committee was appointed to inquire into the grounds of similar sinecure nominations. In the evidence of the late Lord Raglan (then Lord FitzRoy Somerset) before that Committee, the following questions and answers are recorded :—

"Do you not consider it essential to the good of the service that the Commander-in-Chief should have the power to select the most meritorious officers for those which are appointments of reward, and not exactly appointments to which duties are attached ?—Yes ; I consider that the just reward of individuals in all ranks, but particularly in the higher ranks, is a very important duty for the Commander-in-Chief to discharge, not only as it affects the officers of the King's service, but the credit of the country and the honour of His Majesty himself."

"Supposing (his Lordship was asked) that there was a general officer who had had short service, but who had had an opportunity of distinguishing himself in the field, and that there was another officer of a longer service, but who had performed that service in the Colonies and had not had the same good fortune in distinguishing himself,—

which of those two classes would, as the general principle, the Commander-in-Chief prefer in recommending for Governments?—I should say that the general officer whose service has been shorter, but who had the greater opportunity of distinguishing himself in the field, has been repeatedly exposed to danger, and has been wounded,—one, in fact, who has been in a situation of higher responsibility,—would be the first class of officers to be considered."

His Lordship went on to say, that—

"The next officer to be considered would be one who had accompanied his regiment to the Colonies and had acquitted himself well in command of it."

Then the general officers, he added, who had performed very respectable service, chiefly at home, would certainly come in the last of the three classes. Again, in the Report of the Royal Commission of 1854, of which the present Secretary of State for War was Chairman, there is the following recommendation to Her Majesty, namely:—

"That the command of battalions in the Ordnance corps be given without reference to seniority, in the same manner as the colonelcies of regiments, to the officers whose services appear the best to entitle them to such a distinction."

In mentioning the name of General Sir Charles Grey I have not the remotest intention or wish to undervalue the services of that officer. On the contrary, I have no doubt that the gallant officer has rendered very important services as Private Secretary to his Royal Highness the Prince Consort; but the impression on my mind is that they are not important military services. I have heard that General Sir Charles Grey has commanded with great propriety a regiment on home service, and far be it from me to diminish the gallant officer's claim on that account; but to that description of claim Lord FitzRoy Somerset has given the last place. Upon looking over the *Army List* it appears that there are fourteen general officers senior to Sir Charles Grey who have seen a great deal of service in the field and in the Colonies, some having been wounded; and again, there are several Generals who have commanded brigades, or even divisions, during the Indian mutiny or in the Crimea, who are without regiments. Then there are a great number of other officers less fortunate in arriving at the rank of General, but who have served longer than Sir Charles Grey, and have performed distinguished services; yet the General officer selected for the recent appointment has never, if I am rightly informed, served out of the United Kingdom. I do not complain of the appointment of such a young general as Sir John Inglis to a regiment, for he rendered distinguished service at Lucknow; but when generals of long standing in the service, who have served in all parts of the world, find their claims totally overlooked and their services set aside in favour of an officer who has never been out of the United Kingdom, I must say I think it very extraordinary. I have no doubt that General Grey commanded a regiment perfectly well on home service. Perhaps he may also have gone to the Colonies. If so, the Secretary for War will not fail to state it. But according to *Hart's Army List*, General Grey virtually quitted the army eighteen years ago to take a high and confidential appointment in the Palace. I am far from wishing to undervalue or depreciate the important services which he may have rendered, and no doubt has rendered, in that capacity; but again I say they were not military services. I believe only two or three officers have been promoted above him; but on this question of seniority I wish to draw the right hon. Gentleman's attention to the Report of a Commission which sat in 1854, and of which he himself was the Chairman. This Commission recommended "that the command of battalions in the Ordnance corps be given without reference to seniority, in the same manner as the colonelcies of regiments, to the officers whose services appear the best to entitle them to such a distinction." It will be seen from this that the right hon. Gentleman totally disclaims the principle of seniority, unless in addition to seniority there is distinguished service. In the public prints, eight or ten names of really distinguished officers have been mentioned who have been set aside on this occasion, some of them having held high commands. In short, I can hardly help believing that the whole of the matters connected with this case have not been brought under the notice of the right hon. Gentleman as they ought to have been, because I am satisfied, with his high sense of justice and his strong desire for the good of the service, that he would have hesitated before giving his assent to or accepting the responsibility of this appointment. The right hon. Gentleman on the occasion to which I have referred volunteered the statement that he was expressly responsible for this appointment. Probably there is some little omission here, for the Commander-in-Chief must surely have recom-

mended the appointment to him, and he would not make it without such a recommendation. On speaking of this matter to some persons they said that the readiness of the right hon. Gentleman to meet the question in the House of Commons probably arose from his being aware of the fact that General Grey had offered to serve in the Crimea. Well, I believe that all the general officers in the army offered to serve there. But with regard to offers of service in the Crimean or other wars let me draw attention to a passage in the letters of the Duke of Wellington, just now published, which is very decisive on this point. He was Secretary for Ireland in 1809. It was reported that an expedition would sail to the Peninsular. His appointment produced large emoluments—I believe some £6,000 or £7,000 a year; but he wrote directly to Lord Castlereagh, somewhat to this effect:—"I hear it reported that an expedition to the Peninsula is being prepared. I am determined not to abandon my profession. I hold a very lucrative post. Whether you have the opportunity of appointing me to this expedition I cannot say, but this I have to say—you must be so good as to provide a substitute for me in the office of Secretary for Ireland, for I will not stay in that office, whether I go to the Peninsula or not. I should risk my character with the army if they could say that I had preferred a lucrative position at home to serving in the field." And on another occasion he said:—"There shall be no mistake about it. I won't continue to hold this office, whether you give me a military command or not. Provide another Irish Secretary, for I won't stay here." The result was that he was appointed to command the expedition; but his language showed how strong was the feeling which he entertained in reference to the position of an officer who continued to hold an emolumentary office during time of war. I think, therefore, that the mere offer of service in the Crimea, unless it was followed up with the vigour which Sir Arthur Wellesley evinced on that occasion, hardly furnishes an adequate ground for the present appointment. These preferments are 135 in number, and really, unless it is found that that they are distributed on some satisfactory principle as rewards for military services, I doubt whether the country will acquiesce in the continuance of this definite number of them. I have never seen this House unwilling to reward active and approved services, and I cannot help sharing in the opinion which many entertain that several of the officers who have recently distinguished themselves in India are entitled not only to this kind of preferment, but to a great deal more; while I believe, on the other hand, that some officers have succeeded to such appointments without having seen any service which could give a right to them. I said before there were not less than fourteen general officers senior to General Grey, whose claims were not considered upon this occasion. Several of them went through almost the whole of the Peninsular War. Then, again, there is a list of other officers, not, indeed, senior to General Grey, but far superior to him as soldiers, who performed signal services in the Crimea and India, but who were also passed over. A few days since an old general officer called upon me while this notice was on the paper. He is one of the officers named in a recently-established military publication, *The Army and Navy Gazette*—General George Bell. I knew that he was a very old officer, and had served most honestly and gallantly, and I asked him how his services had been rewarded, and whether he had received the command of a regiment. He replied, that his services had not received the slightest word of encouragement, and that he despaired of any requital for them. "Have you any objection to my referring to them in the House?" I asked. "Not the slightest," he said. He is a gallant old officer, and does not care one straw for anything which may be said, seeing that he speaks nothing but the truth. He has served for about fifty years, which is much longer than General Grey's military career. Of these fifty years, forty were passed upon active service in the Peninsula (where he was present at a great number of battles), in the East and West Indies, the Mediterranean, Gibraltar, Nova Scotia, the Canadian rebellion, the Burmese war, and in the Crimea. General Bell says, that, undoubtedly, there were others who, perhaps, served longer than he did in the Peninsula, but who afterwards retired; but he has served up to the present time, and asks to serve again. During eleven years he commanded his regiment (the Royals), and he was wounded more than once at the head of it. He was wounded also while commanding the troops (3,000 men) in the trenches before Sebastopol, and he also commanded a brigade in the Crimea. Surely such an officer as this, who has

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seen forty years of active service, is unfairly neglected when a general officer, twelve years younger in the army than he is, receives the command of a regiment, while he gets no encouragement even to expect such an appointment. I presume that the right hon. Gentleman will be able to make out a good case. He appeared to have not the slightest doubt of doing so. I remember that when the question of the purchase system was brought under the consideration of the House some time ago, the great obstacle set forth in the way of removing that dishonour and disgrace to the British army was said to be the difficulty of making a selection. It was then given out by some very high authorities—by Lord Panmure and the Commander-in-Chief amongst them—that to make selections would be most invidious. But the present is one of the most complete cases of selection that can be imagined, and I believe that it has caused more dissatisfaction among the officers of the army than can well be conceived. Many other subjects have been adverted to this evening, and a very important statement has been made by the late Secretary for War (General Peel). In some of his opinions I concur, but from others I certainly must dissent. He seemed to think that there could be no further economy in the present military establishment. If he means that no economy can be effected as regards the numerical strength of our forces, I agree with him. But if he means that there is no possibility of effecting any saving in the administration of the army, I can assent to no such proposition. I believe that the military Estimates which are presented to us from year to year are in a state of great confusion. They do not satisfactorily explain the state of the administration. The object of them must be to make clear what is the expense of each officer in the service and in every department; but I will venture to say that few men, whether civilians or military men, are able to discover that distinctly. Almost every staff officer has three or four different items of pay, and unless they are traced out with great care in different parts of the Estimates it is impossible to find out what is the amount each officer is really receiving. I must do my hon. Friend (Mr. Laing) and also the hon. Baronet opposite (Sir Stafford Northcote), the justice to say that the Treasury has several times remonstrated with the War Department upon the confusion of the accounts, and the expediency of simplifying them. I will just state one instance of the delusive character of these accounts. Take the first item in these accounts. The salary of the Commander-in-Chief is stated broadly at £3,300 a year; but if we look through the Estimates we shall find that there are three or four other items, which increase his emoluments to upwards of £6,000 a year. I do not mention this in any invidious spirit, but simply because it is the first item which presents itself. Then, again, in my opinion, the Staff ought to be paid in accordance with the importance of the duties which the officers have to perform, and the payment should appear clearly in the Estimates. I believe if this matter were looked into, we should find that a very considerable per-centage of saving could be effected. I know that there are parties who would be prepared to offer opposition to such a change. The right hon. Gentleman has a large body of clerks who, having been brought up on the old system, would be very disinclined to adopt a new one. I will not dwell further upon that point, but I must say that some improvement must be made in the present practice if the army is ever to be administered in an economical and efficient manner. I think there is some extravagance in the cost of our Staff. I do not wish to select individuals, but in order to do any good one must refer to particular cases. Until lately there was no such thing as a General officer on the Staff in the Guards, that duty being generally undertaken by some officer at the Horse Guards. Then, again, there are some corps which have more officers than they require. There are also certain items in the payment of Staff officers which I think it would be for the comfort of those officers themselves should be inquired into. There are also other appointments of considerable emolument which it would be well to inquire into. I find there are some General officers who receive from £5,000 to £10,000 or £11,000 a year. Now, I think that as £5,000 or £6,000 a year is a very handsome allowance for a Bishop, it is enough for a General officer. I know it may be considered invidious to make these remarks, but unless some one does it we shall do no good. An hon. and gallant Gentleman (General Peel) has stated that we have 150,000 effective men upon the establishment, exclusive of India. I wish we had 150,000 available men in the United Kingdom—but unfortunately that figure includes the troops in the Colonies,

which amount to 30,000 or 40,000 men. We must of course keep garrisons in certain fortresses, but the question of keeping troops in the Colonies has been treated of in an able Report recently laid before Parliament, drawn up by three civilians, Mr. Hamilton, Mr. Elliott, and Mr. Godley. Among the contents of that Report—which contains some very just observations—a maxim is laid down, that the real defence of the Colonies is in the people themselves, and not in paltry detachments of troops disseminated through the colonies. That is no new thought, however, for I recollect when I was much younger I lamented the erroneous system which prevailed of having garrisons in almost all the places in our possession. That was at a time when the French had no large fleet; but whether she has a fleet or not, I hope the Government will always bear in mind that the real defence of the country is best cared for by having a great mass of troops concentrated near the heart of the empire and taking the chance of some little island being attacked; our best plan is not to garrison all posts, but to mass our troops upon a central point. Even at the commencement of the tremendous mutiny in India, we had nearly 12,000 men, nearly 10,000 of the Line, at the Cape of Good Hope. The Governor of the Colony had such great regard for good troops, that although he received orders from the Colonial Office to detach troops, he did not do so. He was first instructed to send troops to the Crimea, but he declined to comply; and subsequently he received more than one order, as has been proved before a Committee of the House of Commons, from the Colonial Department, to send troops to India, but he held back. The fact was we were spending nearly a million a year for the advantage of the small population of the Cape of Good Hope. That is one instance of the effects of the old system. Except in the fortresses which must be held by garrisons, and with the great exception of India, I do not see that there need be any considerable number of troops in any other posts. A very important communication was made to the different Colonies by the right hon. Gentleman the Colonial Minister in Lord Derby's Administration (Sir John Pakington), pointing out to them that they were all greatly increasing in population and wealth, and ought to develope their own means of local defence, without expecting any assistance from the mother country except in case of war. That point has also been ably dealt with in the Report to which I have before referred, and I hope the present Government will follow up those suggestions and say to the Colonies that they must place themselves in a position for self-defence. Some have, indeed, done so; Australia has commenced, and Canada has made considerable progress. The two Provinces of Canada, I believe, have a militia amounting to about 200,000 men, a force far greater than our own militia. The hon. and gallant General opposite has referred to a most important point, the Reserves of the army. When Parliament was prorogued at the end of last Session there was one paragraph in the Royal Speech which attracted my attention and gave me much pleasure. Her Majesty congratulated Parliament that measures had been taken to form Reserves both for the army and the navy, and that the national defences were a paramount object in the policy of the Government. I think still that ought to be a paramount consideration; but I am sorry to say the Reserve for the navy has proved most insignificant in numbers, and the Reserve of the army hardly exists at all, or at most only to the extent of a few hundred men. We have, no doubt, a considerable force in the shape of Volunteeer Corps, which we owe entirely to the public spirit and patriotism of the country. The Government are entitled to very little credit in respect of that force, for the truth is, that for a time they seemed to doubt whether they should encourage or discourage the movement. I am sorry to see that an hon. Baronet (Sir R. Peel) has thought it necessary to give notice of a Motion that the Vote on the Estimates for the Volunteer Force should be reduced. I can only say that I believe the movement has been, on the whole, very satisfactory, and I was happy to see the amount of the force lately stated authoritatively to amount to 120,000 or 130,000. I am sure that the right hon. Gentleman the Secretary for War will give to that important force all the encouragement it so well deserves. I rather regret, however, that steps have not been taken to enlarge the basis of the force. I am afraid that in some quarters there is a little jealousy felt as to allowing the people at large to join in this movement. I will only remind such persons that one of the great Powers of Europe—Poland—fell and disappeared from the rank of nations through the jealousy of the aristocracy towards the great mass of the people.

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very much regret that nothing has been done to establish a volunteer force in Ireland. I know very well that an idea exists that the people of Ireland are disaffected, and that those who profess the Roman Catholic religion are not so loyal to the British Crown as they ought to be. It appears to me, however, that the sympathy which many of the Irish people have evinced for the Papal cause ought not to excite the least apprehension. There is no reason to suppose, because sympathy has been manifested towards the Pope, that they are, therefore, disloyal to the British Government. It is a complete mistake to think so, and one that ought to be rectified. We are told that the law does not admit at present of the embodiment of volunteers in Ireland. If such be the law, I say, as I have said before, that it ought to be altered without delay. In the *Letters of the Duke of Wellington*, just published, and to which I have already alluded, I find that in 1808, when there was infinitely greater cause than now of disaffection towards the British Throne, the Duke writes with much satisfaction to say that he has organized a volunteer force of between 40,000 and 50,000 men; and the population was considerably less at that time than it is now. We have had Irish militia regiments in this country, and I should like to know if any one ever thought of distrusting those troops? There are, too, the Irish constabulary, almost all of whom are Roman Catholics; but I never heard that disloyalty was imputed to that fine body of men. These, in my opinion, are all arguments to prove that we ought to have a strong volunteer force in Ireland as well as in this country. With regard to the feelings of the people of Ireland on this subject, I would refer with much pleasure to an excellent speech lately delivered by the Catholic Bishop of Kerry, in which he answered some statements said to have been made rather too favourable to the French Government. He said such statements arose from a want of consideration; that he did not believe his fellow-countrymen or the priesthood would be so wanting in common sense as to desire to have a species of despotism in Ireland such as existed in France; and he reminded them that they would not have been allowed in France to make such speeches as had been made in reference to this subject. The late Secretary for War (General Peel) has spoken of the exact force now in this country, and has declared it as his opinion that that force is quite inadequate. In that opinion I entirely concur. The nominal force in this country at the present moment is quite inadequate, and I am not satisfied with its composition. Let us economize as far as we can. No one will be readier to do so than myself; but the possession of a numerical force that will enable us to fight in the field is the great object that we ought to aim at. We are told we have 150,000 men, but we have no such number in the United Kingdom. [Mr. WILLIAMS: Hear, hear!] The hon. Member for Lambeth no doubt knows all about it. We may have 150,000 to pay, but this includes men for the Colonies, and some of them are highly garrisoned. I do not believe we have more than 30,000 troops of the Line at home; there are 20,000 in the depôts, and these depôts are in a most unsatisfactory state, because they are made up of recruits assembled together without amalgamation. A speech was lately made by a noble and gallant Lord (the Earl of Lucan) in "another place" on this subject, and he recommended that second battalions should be substituted for depôts. This is a matter worthy of serious consideration, and I hope it will receive the attention of the Government. At any rate the present system should be altered, for it was far from producing satisfactory results. I have to apologize to the House for the length of the observations I have ventured to make; but my excuse is the vast importance of the subject.

MILITARY DEFENCES OF THE COLONIES.—OBSERVATIONS.

MR. ADDERLEY, in calling the attention of the House to the Report of the Committee on the Military Defences of the Colonies, said, he thought it was essential to a proper discussion of the Army Estimates that the expenditure of the country upon colonial defences should be brought before the House. He was induced to introduce the subject now because he might not have another opportunity of doing so, and because if it were to be discussed at all it ought to be before supply was granted for the army. They were about to vote £15,000,000 for the Army Estimates, and of that sum upwards of £4,000,000 was disposed of in colonial defences. He could show that a great deal of this money was unnecessarily voted—that it was uselessly thrown away; while at the same time the resources and rightful obligations of large

portions of the Empire in men and money were refused, although both could be readily enlisted in Her Majesty's service. A Committee had sat upon the subject of the Colonial Defences, and he wished now to know whether the Government intended to act upon their Report, and if not, what was going to be done. It was in March, 1859, that the gallant General (General Peel) then at the head of the War Office, communicated with the Colonial Office and the Treasury his sense of the immense inconvenience and mischief produced by the existing system, and urged upon them the necessity of coming to some definite principle as to the distribution of the expenditure on colonial defences between his own and the Colonial Department. General Peel then laid down, as the basis of an equitable arrangement, the double principle that the Home Government ought to contribute to the defence of the Colonies from invasion, but that the colonists should provide wholly for their own internal defence, and that any expenditure by the mother country for that purpose ought to be reimbursed from the colonial funds. The gallant General then proposed the formation of a Committee formed of representatives of three offices—the War Office, the Colonial Office, and the Treasury—to consider the best means of devising better arrangements. That Committee was formed and consisted of Mr. Hamilton (the Secretary of the Treasury and formerly a highly respected Member of that House) as representative of the Treasury; Mr. Godley (a man of the highest ability and worth, and one whose opinion upon a question like this was of the greatest value because of his vast acquaintance with colonial matters) from the War Office; and Mr. Eliott (also a man of eminent ability) from the Colonial Office. Mr. Godley was one of the founders of the Colony of Canterbury, in New Zealand, one of the most successful colonies this country had ever established. He (Mr. Adderley) could himself bear testimony to its success, having been one of the original adventurers in the scheme with Mr. Godley, and being in the receipt of large and ample dividends arising from the unexampled and unchecked prosperity of the colony. That Committee made its Report. To that Report he desired the particular attention of the House on various grounds. Questions of considerable import were involved in its consideration. It was important on the ground of economy; it had an important bearing upon the efficiency of the army, which, as the hon. and gallant General (Sir De Lacy Evans) had just stated was now scattered over the globe; but thirdly, it was important because it showed that the safety and vigour of our colonies were materially impaired by the present system. He intended, first, to state the principles laid down by the Report; secondly, the objections advanced by Mr. Elliott, in an appendix, to some of those principles; and thirdly, to show the fallacy of those objections. The Report showed, first, that the colonies of England contributed to the expense of their own defences about one-tenth part only, and it stated that such a state of things was quite novel in the whole world's history and an entire innovation on the former treatment of her Colonies by England. It was absolutely unparalleled in the history of the world that any portion of an empire—colonial, provincial, or otherwise—should be so exempted, both in purse and person, from the cost of its own defences. He did not believe that there was one Englishman in a thousand who was well acquainted with the history of our earliest colonies; but those who knew it would remember that for a century and a half the original American colonists had maintained their own defences without any assistance from the mother country, and had not only maintained peace within their own borders, but had even defeated the regular armies of Spain, France, Holland, and other countries repeatedly with their own Militia troops. Graham, the historian of the early American colonists, showed how England used to go to war in those days, and the zeal with which the colonists readily supplied not only money but troops. In 1710, when England was engaged in a contest with France, the American militia, being disappointed in the arrival of the English regular army, obtained permission to take the field alone, and added Port Royal and Acadia to the dominions of the Crown. A far more memorable instance was that of the taking of Louisburg in 1745, when the young English colonies, exposed to danger on all sides, absolutely themselves, unaided by a single man from England, raised a force, both military and naval, and took Cape Breton, the Gibraltar of America, and added it to the dominions of the Crown. The Mutiny Act of England was never extended to America until 1740, and it was then that the introduction of English troops began there, never ceasing until the emancipation of those colonies, produced mainly by the interference of the mother country.

The present sysem was not only an innovation, but one of the most inconsistent and anomalous description. No definite rule existed; for some colonies which as Imperial stations had a right to have Imperial garrisons, contributed most, and those which had no claim for assistance contributed least. Another aggravation was the treatment of the troops in regard to colonial allowances. In some rich colonies Her Majesty's troops received allowances in addition to their pay. The consequence was, that the pay of the troops stationed in less liberal colonies where no such allowances were made was necessarily increased out of our Treasury beyond the regular pay of our army; and where this was not done continual grumblings and discontent prevailed. When Earl Grey was at the head of the Colonial Office, he suggested that all that England should undertake to maintain in each colony was that amount of force which might be considered necessary for Imperial purposes. Very ample reasons were given in the Report for not adopting that proposition. He thought the Report sufficiently disposed of the proposition and principles laid down by Lord Grey. What was sufficient for Imperial purposes? He suspected hardly two Gentlemen in the House would give the same opinion on that point; some would say that no force at all, others that a very large one, was required. This proposition, in fact, left it to the discretion of the Government to determine what force was required, which was the very practice at present found so mischievous, that a Committee had been formed to get rid of it. The force which might be deemed sufficient during peace would, of course, prove insufficient in time of war; but that was just the time when the mother country could least spare any troops. The Report laid down the only principle which appeared to him capable of application to the case, and that was the classification of all English dependencies into Imperial stations and self-governed Colonies. It recommended that the cost of those posts which were established by the Imperial Government for their own purposes, whether warlike, as at Gibraltar and Malta, or philanthropic, as in West Africa, should be defrayed out of the Imperial Treasury. The Report included in the second class the territories of Colonies which had each a Government of its own, and declared that there was no reason whatever why this country should contribute a farthing towards the defence of those Colonies, or that they should be exempted from bearing their full share of the cost, except that the Imperial Government had the power to determine the questions of peace and war, or, in other words, that the Colonies were not represented in the Imperial Parliament. He would next come to the objections raised by Mr. Elliott to portions of the Report. Mr. Elliott acknowledged that there were gross anomalies in the existing system, and that it was impossible that England should undertake to defend all her Colonies throughout the world, and he illustrated that position very tersely in his Appendix. He said, when the Emperors of France and Austria went to war in Italy it was immediately proposed to construct new batteries at the Cape of Good Hope. That was a proposal to strengthen this country in the event of her being involved in a European war, by locking up 100 artillerymen on the most southerly coast of South Africa. It was an illustration of the system of England with regard to all her Colonies. Mr. Elliott, however, denied the soundness of the principle laid down by the Committee, that the non-representation of the Colonies in the British Parliament constituted the only reason for their exemption from paying the cost of their own defences, and insisted that mere self-interest ought to induce us to defray some part of that outlay, because the Colonies consumed more of our produce than other countries. He also objected to the recommendation of the Report that a fixed rule and rate of aid should be laid down on which England should assist the Colonies. He (Mr. Adderley) thought he should have little difficulty in showing the utter fallacy on which Mr. Elliott based his objections. He would not accept the position that the Colonies should bear their full share of their own expenses, even if they were represented in Parliament. He would still have some reason why they should be exempted, even though they were represented as much as Scotland; on what ground such partiality should be exercised towards portions of the Empire, he utterly fails to show. As to Mr. Elliott's reason that the Colonies had other claims on this country and that self-interest induced us to contribute to the expense of the Colonies, because they imported more of our produce than foreign countries, that was simply the old fallacy which existed before the principles of political economy were so well known as now. Sir George Grey, the Governor of the Cape of Good Hope, had recently expressed the

same opinion in a speech in London, in which he said that upon every article the colonists imported from this country they paid something towards the Imperial taxation. Why, if that was contributing to their own defences then every country in the world that took our produce did the same thing, and we ought to pay for the local expenses of every foreign country dealing with us on the same ground of self-interest. But absurd as his inference is, he is still less sound in his premises. Mr. Elliott pointed to Australia as consuming per head a larger amount of the produce of Great Britain than the United States, and drew the conclusion that therefore a dependent country consumed more than an independent one. That argument was completely exposed by Mr. Godley, who showed that the opposite conclusion might be supported by the same logic, because Canada imported less per head than the United States, and the United States themselves imported more largely after they became independent than before, even in rate of importation per head. There are, therefore, more data for expecting importation from independent, than from dependent, countries. Of course all these arguments were fallacious, because countries did not import produce from this country from political motives but from commercial requirements. With regard to Mr. Elliott's second objection to a fixed rate of aid towards the defences of our Colonies, the Report recommended that the rate should be laid down, from which there should be no deviation, save by way of exception. Mr. Elliott would have no such rate laid down as a rule, but would keep the matter still in the discretion of the Colonial Office, to say what amount of contribution this country should be charged with—the amount of money and the number of troops Her Majesty should contribute towards each of the Colonies. What Mr. Elliott proposed was simply to retain matters as they are. It was trusting to the discretion of the Colonial Office that had led to the present state of things. His proposition was to amend the present system by retaining the present system. The proposition of the Report was to lay down a fixed rule, and rate of aid. There could be very little question which of those two propositions was the wiser. Alteration was at least more in the way of amending a vicious system than simple retention. Mr. Elliott endeavoured, by way of some change, to classify the Colonies under four heads, instead of under two; but it would be found that the four resolved themselves into two, and he did not think that any mode could be devised of varying or increasing the classification under the two heads proposed in the Report. Mr. Elliott classified colonies according to the amount of European element in their populations. Mr. Elliott said that from the number of coloured population the West Indies required a large contribution in men and money from this country; yet, singularly enough, the troops which protected those colonists from the coloured population were coloured troops. The case of the West Indies best illustrated the advantage of a fixed rule, because if any deviation from a fixed rule could be justified, it would be in their case where the Imperial policy had interfered with the local government, interrupted their command of labour, and embarrassed the relations of the colonists to their population, and where their policy being exceptional, the treatment might also be justly exceptional. How much better to treat exceptional cases exceptionally, than to have no rule, because there must be exceptions! He concluded that Mr. Elliott, having been so long connected with the Colonial Office, gave a fair example of how the discretion which he advocated would be used. Mr. Elliott said of Ceylon that they contributed more than other colonists to their own defence, and there was some question whether they should not contribute still more, but at this moment they were engaged in making a large outlay on railways and other works, and it was clear that whatever was taken extra for defence would be deducted from those very useful public works. People in England were engaged in railway undertakings and other remunerating enterprises, and yet every poor man was taxed for national defence; but according to Mr. Elliott, colonists who were undertaking public works ought to be exempted from the usual liability of citizens, and all the cost of their defence be added to the taxation of this country. The Government have stated that the present state of things could not be allowed to continue; they had asked for a Committee; they had formed a Committee representing three Departments of the Government. This most important Report was before the House, and he wished to know how the Government intended to deal with it. The Report proposed material changes in the system, and changes which he thought would be of very great benefit to this country, by improving the efficiency of the army and diminishing taxation, and

Mr. Adderley

to the colonies by insuring their vigour and safety. If the Government were not prepared to act upon it—he did not mean hastily, but by declaring that they would gradually carry the principle recommended in the Report into effect,—would they suggest some plan of their own, or would they refer the subject to a Committee of the House? Before going into Committee of Supply upon £15,000,000 of Estimates, £4,000,000 of which he disputed as involving many useless items and still more mischievous principles, the Government ought to let them know what they were about to do upon this important subject.

LORD ROBERT CECIL thought it a matter of regret that this departmental paper should have got into their hands. He did not think that the practice of substituting for a speech of a Minister the printed opinions of his permanent subordinate was likely to be attended with advantage, and in this instance the only result was to show that three officers of the Government had a serious difference of opinion upon the subject. There seemed to him no other way to settle the controversy than to refer the matter to a Committee of the House; and a further reason for doing so was, that he thought these three Gentlemen—especially Mr. Hamilton and Mr. Godley had exceeded the limits of the reference in their Report. The direction of General Peel was that they should examine into the best mode of saving to the country the expense of defending the Colonies and maintaining order within them; instead of which, Mr. Hamilton and Mr. Godley had gone into a metaphysical inquiry as to how best to promote patriotism and self-reliance, which was clearly beyond the purview of their duties. The right hon. Gentleman said that the fact that Mr. Godley had been a colonist and was in the War-Office gave a combined value to his report; he had a very high opinion of Mr. Godley, but having been in the same colony with that Gentleman he knew that these opinions were there openly professed by Mr. Godley, and had, therefore, nothing to do with his tenure in the War-Office. He felt bound to dispute the statement that Canterbury was the most successful of all our colonies. It was a scheme which failed entirely in those points in which it differed from other schemes, and although it was perfectly true that 4,000 Englishmen, placed upon most fertile land, succeeded in supporting themselves, and rising to a flourishing condition, he could not allow the claim of Mr. Godley to be the leader of the most successful band of colonists which had ever left these shores. His right hon. Friend disputed £4,000,000 of those Estimates as useless; but the total amount for the Colonies was only £3,000,000, and half of that must be deducted for military garrisons, which it was necessary to maintain for Imperial purposes in different parts of the world —such as Malta and Gibraltar. That could not be charged as part of the expenses of the Colonies. His right hon. Friend had passed over very lightly the objection to the views of which he was the advocate, which was to be found in the fact that the Imperial Government was wont to make wars, for the cost of the prosecution of which the Colonies were compelled ultimately to provide the funds. It was indeed doubtful whether they would in many cases be put to any but the most trifling military expense were it not for the consequences which their connection with Great Britain entailed. When there was an impression that there might be a war between England and France there was a great panic in Australia; but it was solely upon this ground, that if the Imperial Government went to war the trade of Australia might be harassed by the enemy. So in the instance of Canada. If she dreaded the breaking out of hostilities with the United States she was apprehensive of that result chiefly because some dispute might arise between this country and the latter with respect to the Isthmus of Panama, the subject of recruiting, or for some similar reason. If we had to maintain a large force in Ceylon, it was simply because our Government of India might possibly create a ferment in the Native mind which might run on to Ceylon and render the services of troops necessary. So it was also with the other colonies; while in the case of the Cape of Good Hope and New Zealand a considerable force was required to keep the large native population at bay. It was true, indeed, that the Dutch needed hardly any assistance to keep the Caffres at bay; but then that was because they shot them as they would wild beasts, which our feeling would not permit us to do. Again, it had been our policy to plant two Republics which were rapidly growing in power to the north of the Cape Colony, presenting a constant source of danger, which, inasmuch as the establishment of those colonies was the direct act of the Imperial Legislature, it was bound to fur-

nish the funds to meet. So it was in all cases, that wherever there was a necessity for troops that necessity arose simply from the connection of the Colonies with England, and from the danger of the Colonies being involved in England's quarrels. Now, Mr. Godley, in his paper which had been circulated the morning before, expressed it to be his opinion that it was desirable to reduce to a *minimum* the dependence of the Colonies; but it was perfectly obvious from the observations of his right hon. Friend that the object of those who supported that view was to destroy the dependence of the Colonies altogether. But if those opinions were carried into effect, and that the Colonies in the event of a breaking out of a French or Russian war were plundered by our enemies, the result would be that they would seek, as soon as possible, to put an end to a connection which they found to cost them extremely dear. His right hon. Friend had referred in support of his views to America, while Mr. Godley drew attention both to America and the Greek colonies of old, contending that in neither of those cases was it the custom to pay for colonial defence. But it should be remembered that in America the militia, which a spirit of patriotism and self-reliance had called into action, had been hardly so formed when it had been turned against England herself; while the Greek colonies could not be held to be colonies in our sense of the term. Corcyra, for instance, was no more a colony of Corinth than England was of Saxony, from which source a large amount of its population was derived, but upon which it was in no way dependent. The population, it was true, went from the old country to the new, but the dependence was merely nominal; and this was the state to which it was wished to reduce our colonial empire, at least it was a state of things which would be brought about by the policy recommended, whether it was wished or not. He did not think that there was any necessity for him to argue in favour of the continuance of our colonial system, for he believed that any proposition to abandon our Colonies would be hooted out of the House. He believed, however, that though our colonial empire could not be overthrown in that way, yet that it might be undermined; and he therefore most earnestly trusted that the Government would not take any action upon the recommendations in the documents in question—recommendations which had been made by a department unconnected with the Colonies—without submitting the matter for further consideration.

MR. CHICHESTER FORTESCUE said, he was very glad the noble Lord had risen to address the House, inasmuch as he concurred in nearly the whole of the observations which he had made. He must, however, express his regret that the subject of those observations had been brought forward that evening by his right hon. Friend opposite (Mr. Adderley), inasmuch as, in the present state of the House, it was impossible that any satisfactory discussion with respect to it could take place, and as some hon. Members had left under the impression that the question would not be introduced. He regretted particularly the absence of the right hon. Gentleman who lately filled the office of Secretary for the Colonies (Sir E. Bulwer Lytton), who, he had reason to believe, would not lend his powerful aid in support of the views of which the right hon. Gentleman was the advocate. The right hon. Gentleman (Mr. Adderley) asked what course the Government intended to take in reference to the Report? It must not be forgotten that there were virtually two Reports, which were incompatible with each other. The right hon. Gentleman seemed to object very much to the classification of the Colonies made by Mr. Elliott, and to prefer that made by Mr. Godley. The latter gentleman, however, had really made no classification of the Colonies, as one of his classes contained them all, while the other comprised those military posts which are not Colonies. It appeared to him (Mr. Fortescue), on the other hand, that Mr. Elliott's classification was adapted to the state of things as it stood, and to the various and varying circumstances of the several communities which owned our sway. He found a number of communities differing in almost every respect; some, like Australia and America, of English origin, and others not, some young and growing, and others firmly established; he found islands which comprised the most extraordinary collection of races that had ever been brought together under any Government; and a number of dependencies with savage tribes on their frontiers or within their borders;—finding these circumstances existing, he adapted his advice to the facts with which he had to deal; and this circumstance very much recommended Mr. Elliott's Report to consideration. Now, the first of the Reports, to which the right

hon. Gentleman had called the attention of the House, (Mr. Godley's), which had been sent in at the suggestion of the gallant General, who was then at the head of the War Department, was a very able document. But what did this Report do? Instead of preparing a scheme adapted to each Colony, according to its respective needs and capabilities, it attempted to lay down one rigid, uniform rule, as applicable alike to every one of our various and widely differing dependencies. It took away the whole of that discretion now exercised by the department of State concerned with these Colonies, and sought to supply the place of the judgment and discretion of the Secretary of State, by a kind of agency which was certainly simple enough—and, if possible, might be very convenient—but which he thought was an utter impossibility. It proposed to hand over to the Colonies the entire responsibility, management, and initiative in all matters relating to their military defences—a greater revolution could not well be conceived;—and, having handed over that power to the Colonies, this country was to contribute towards the expense of that military defence, not according to the wealth, danger, or necessities of the Colonies, but in one fixed and uniform proportion. Such a proposal, however ably defended, he could hardly believe any responsible Colonial Minister would undertake to carry into effect. It entirely disregarded the numerous differences that existed between our several Colonies, whether they were wealthy or poor, young or old, secure in their position, or exposed to internal or external foes. In short, it would be in practice entirely unworkable. The right hon. Gentleman had dwelt a good deal on what he considered the main motive and reason why this country should contribute in any degree to the protection of her dependencies—namely, that these were not represented in the Legislature, and that the power of peace and war was not in their hands. It was impossible to overrate the importance of that consideration; but it was not the only reason. Many of these dependencies could never have come into existence; and could not continue in existence now as separate and independent communities. It was only under the protection of this country, which sent them forth, that they could be maintained at all. Many of them were so small, that it was perfectly futile to speak of them as independent communities—if we chose to abandon them, they must attach themselves to some other State. A great part of the speech of the right hon. Gentleman referred, not to the proper mode or amount of our military contributions to our Colonies, but to the question whether we should maintain our Colonies at all. Now, hon. Gentlemen had undoubtedly a right to their opinions on that subject; but representing, as he did, the Colonial Office, he did not think it his duty to discuss such a question; he thought the business of that office was to keep the Colonies; and therefore he did not enter into any question of the value to us of the commerce of Australia and Canada, as compared with that of the United States. With respect to the motive for keeping up a force in our Colonies, it did not arise mainly from the problematic risk of a great European war; it was of a more pressing and immediate nature. In some of them, where any considerable amount of force was kept up, the danger arose not from any chance of a European war, but from the risk of hostilities with formidable Native tribes. Great as our expense had lately been at the Cape, it had saved us the still greater expense of another Kaffir war; and that expense was already greatly lessened; for at present the force of all arms at the Cape was not much more than 4,000 men; whereas, when the Report was made, it was double that number. In New Zealand, again, these charges were daily diminishing. While that was so, he entirely admitted that it was the duty of the Government to examine into the condition of every Colony, and endeavour, by every means in their power, to reduce the amount and cost of the force in each; and obtain from each the largest and fairest contribution towards its support. But the head of the Colonial Office was not prepared to adopt the very simple but impossible scheme to which the name of Mr. Godley was attached. Mr. Godley rather taunted Mr. Elliott with not having proposed a rival scheme; but he entirely denied the justice of that accusation. It was impossible by one stroke of the pen to unite all colonial and Imperial interests, and to produce one uniform self-acting scheme which would supply the place of the judgment, sagacity, and firmness of the Secretary of State in settling all those difficult and complicated questions, involving both colonial and Imperial interests. It was the duty of a Colonial Minister to take the case of each colony or group of colonies into separate consideration, dealing with it according to its special circumstances and requirements,

and, while reducing its demands upon the Imperial Exchequer to the lowest practicable limits consistent with safety, also to foster and stimulate the feeling of self-reliance in the minds of the colonists. The right hon. Gentleman had passed very lightly over the military spirit which undoubtedly existed in the great colony of Canada. In our Australian colonies, likewise, there was a rapidly growing spirit of self-defence—a sentiment which it was most desirable to cultivate to the utmost. Those colonies were most favourably situated. Separated from the great Powers of Europe by thousands of miles of ocean, and with no formidable tribes on their frontiers, their need of the protection of Imperial troops was reduced to very narrow limits. He would not, however, say that they should be wholly divested of that protection, because he should be sorry to see any great dependency of the British Crown entirely denuded of a certain number of English redcoats. Feeling and reason went to a great extent together in this matter, and it would be undesirable that these colonial communities should be left unprovided with a moderate body of the mother-country's military force. The colonies of Australia already contributed a large portion of the expenditure upon their own defence—one of them considerably more than half the entire amount. And let him remind the House that if, following out the recommendation of the Report, one fixed and uniform rule were applied indiscriminately to all our Colonies, we should be driven to this absurd result—that we should have to reject a portion of the sum now contributed by these rich and growing communities. Such an uniform rule must be adapted to the circumstances of the weakest and poorest of our Colonies, which could not be expected to pay more, perhaps, than one-third of the cost of its defence—a proportion much below that which was derived, and properly derived, from a wealthy colony like Victoria. The subject was, however, a very large and complicated one, and it was impossible on an occasion like the present to treat it as it deserved. With respect to the question put by the right hon. Gentleman to the Government, he could now only answer, speaking for his noble Friend at the head of the Colonial Department, that he would use his best endeavours to restrict the Imperial expenditure upon colonial defence within the smallest possible compass—to induce, and if necessary compel, certain colonies, New Zealand for example, to contribute more than they now did towards their own protection. But at the same time his noble Friend could not undertake to carry out one rigid uniform scheme, which it was impossible to adapt to all the varying exigencies and capacities of our different dependencies.

MR. A. MILLS said, it was not the proper time on the Motion for going into Committee of Supply to discuss so important a question as the military expenditure of our Colonial Empire, and he expressed a hope that the Government would consent to its being referred to a Select Committee. The Report on our colonial defences, to which allusion had been made, was a very valuable document, and he placed great reliance on Mr. Elliot's opinion. The recommendation made by the hon. Member for Pontefract (Mr. Childers) with regard to colonial military expenditure was deserving of consideration, because, as the Estimates were now framed, there was great difficulty in ascertaining what was paid by the Colonies, and what by the Imperial Government. He was inclined to think that the amount of our colonial expenditure was exaggerated; and though it was not to be denied that England should frame her colonial policy on the model of that of France, yet it was worthy of remark, that the single colony of Algeria cost France more in one year than the whole Imperial expenditure of England in the fifty Colonies of her Empire. He looked upon the charge for fortifications for the Colonies as an extravagant one, and he doubted if we got value for it in the event of any contingency arising. Large works for fortifications had been carried on at Quebec. We had spent there two millions, and a quarter of a million at Halifax. The only value those works were to us was in the event of the United States making a descent on Canada; but for it to be successful they must suppose sympathy on the part of the colonists and determined aggression on the part of the United States. If such a contingency were to arise it would not be by fortifications or by any conceivable military preparations, that our North American Colonies would be preserved to us, and therefore it was that he desired the expenditure with reference to our colonies should be so judiciously expended that we should get a corresponding benefit from it. The absence of any great military road through Canada was an illustration of the illogical character of our policy in this matter. The only access for troops into

the interior of Canada during seven months of the year was through the State of Maine, by way of Portland, and yet we spent vast sums in fortifying colonial cities, to which, in the hour of danger, we should be unable to send succour. He (Mr. Mills) repeated the expressions of his hope that the Government would allow the whole subject of colonial defences, the revisions of which was a necessary corollary to the adoption of the principle of colonial self-government, to be referred to an impartial Select Committee of the House of Commons.

PENSIONS.—QUESTION.

GENERAL UPTON said, he rose to ask the Secretary of State for War, Whether it be the intention of Government to recommend to Her Majesty a revision of the Warrant dated the 1st July, 1848, with a view to its improvement, and especially to increase the rates of Pension of Non-commissioned Officers and Soldiers discharged the service in a helpless condition. The hon. and gallant General said that his object in desiring the increase of these pensions was not only to improve the condition of the soldier, but also to facilitate recruiting for the army. His principal objection was to the temporary pensions granted to men who had been disabled in the service. Those pensions were now 6*d.* a day for from twelve to eighteen months if a man had served seven years, for from one to two years if he had served ten, and for from three to five years if he had served fourteen years. Would any one say that it was creditable to the country to discharge men with pensions so small as these? He also complained of the insufficient pensions varying from 9*d.* to 1*s.* per day, granted in cases of total blindness. That was most unjust, and he hoped the Secretary for War would be of his opinion.

OUR MILITARY EXPENDITURE.

OBSERVATIONS.

MR. W. WILLIAMS said, that many of the questions which had been submitted to the Secretary for War, on the House going into Committee of Supply, were of so important a character that they were far better suited to be submitted as substantial Motions. The enormous amount of the Estimates for the Army, exceeding that of any former year of peace, was creating uneasiness in the country. The people were inquiring why these prodigious sums were asked for. Every means had been taken to frighten the people into the belief that France intended to invade us, in order to increase the Army Estimates; and, notwithstanding all that had been done, it was still affirmed that we were not in a position to repel an invasion if it should be attempted. A Return lately presented to the House gave the number of our army at 145,000 men, besides 80,000 for India; 40,000 of them were for the defence of the Colonies, and 105,000 for the protection of this country. The number of men at the depôts of the regiments in India, amounted to 15,000. Then there were of Marines on shore 6,000, enrolled pensioners 16,000, embodied Militia 23,700, and disembodied Militia 44,300; which gave us an efficient force of 210,000 men. Some gallant Officers had thrown out doubts as to the efficiency of the disembodied Militia; but in every instance after each inspection the most encouraging reports had been made. Moreover, there were of Yeomanry Cavalry 15,000, and 12,000 Irish Constabulary. Then, take the rifles at 130,000, and the total force would be 367,000 fighting men. Now, he would ask any rational man whether, supposing that any enemy were mad enough to attempt an invasion, and that it was possible to effect any landing at all, with our superior navy, whether it was possible that he could land a force that would be equal to one-third of what we could send against him? Then with regard to the Colonies. A Report was lately presented to the House in which it was stated that the military cost of the Colonies was £3,590,000; and we had to provide them with bishops and other church dignitaries, and all manner of things beside, so that he had found, by putting the Parliamentary Returns together, a total amount of £4,877,000 in one year, 1856-7. This was not the system practised by other countries. Look at the Dutch. They had only a few colonies; but, instead of costing the mother country anything, they remitted for Imperial purposes £2,600,000 a year. The colonies of Spain remitted £1,150,000 to that country after paying all their own expenses. It had been suggested that a Committee should be appointed to inquire upon this subject, and the hon. Member for Pontefract (Mr. Childers) had stated that great misrepresentations and discrepancies had taken place in the statements of the amounts contributed by the Colonies

towards the maintenance of the military force; but the House had very little to do with that—what the House had to deal with was the amount which annually went out of the pockets of the people of this country. The sum of £511,000 had been spent by this country on the military force in the Australian colonies, and the Staff of that force cost £17,482. The sum expended by this country for the same purpose in North America was £514,000, and for the Staff £17,745; in the Cape, £830,687, and £28,121 for the Staff, whilst the Staff alone in the Ionian Islands cost £8,465 The Secretary for the Colonies asked whether the House would prefer maintaining this expenditure or abandoning the Colonies? He (Mr. Williams) was not for abandoning the Colonies at all—and depend upon it the Colonies were not for abandoning their connection with this country; but they were of no intrinsic value to us in point of trade. ["Oh, oh!"] The hon. Member for North Warwickshire (Mr. Newdegate) seemed to doubt that. Before the establishment of free trade the Colonies were doubtless of great value to this country. We received their produce, and they took our manufactures. But since the establishment of free trade they sent their produce and also bought their articles in the best market. It was very honourable to this country that it proved the best market for the Colonies still, but the whole trade did not produce a profit equal to an expenditure of £4,800,000. He (Mr. Williams) was much surprised at the defence made by the hon. and gallant General opposite (General Peel) of the present Army Estimates. Hon. Gentlemen opposite and the hon. Gentlemen who sat on the Treasury bench often differed widely upon important public and party questions, but whenever the public money was to be voted there never was any difference between them. When the right hon. Secretary for War got up to defend an extravagance in expenditure never before equalled, the hon. and gallant General, late Secretary for War, stood up and defended him. No doubt it was a source of great satisfaction to the right hon. Gentleman to be so ably defended; but, at the present time, when the question of spending the public money was taken up by the other House of Parliament as well as by the Commons, it was very important to know upon what principle such an expenditure was warranted. The hon. and gallant Officer (General Peel) challenged the House to point out how any reductions could be made in the present military expenditure. He (Mr. Williams) would point to former years. He would refer to the year when England was governed by two of the greatest men produced in our times—Sir Robert Peel and the Duke of Wellington—when the Army Estimates were £11,200,000 less than the Estimates of the present year; and even in 1852, the year before preparations for the Russian war, the amount voted for military purposes was £8,500,000 less than the present Votes. The same, or a similar result was shown by a comparison with other years about that time, and he would ask what there was in the condition of the country to justify the House in voting those enormous sums of money? He had often thought and said that the country ought to be more thankful to the Government than to the House of Commons that a much larger Vote of expenditure was not required. The hon. Member for Tavistock (Sir J. Trelawny) had called attention to the Foot Guards. It appeared that in the three regiments the officers were sometimes eight months in the year absent from duty; and he was not surprised at it. The regiments numbered 6,300 men and 261 officers, the cost being £206,362. In five regiments of the Line, consisting of 100 men more, there were only 228 officers, or thirty-three less than in the regiments of Foot Guards. The difference in the cost of those 228 officers, and of the officers of the Foot Guards, was £42,800. The entire regiments of Foot Guards cost £11,470 more for clothing than the five regiments of the Line; making a total difference of £54,310 in favour of the five regiments. Why should this distinction be made? The Foot Guards did not perform duties nearly so arduous as the other regiments, and they were not sent to the Colonies. He believed they occasionally marched from St. James's to the Tower—and sometimes they went by a more modern mode of conveyance to Windsor. The cost of clothing the Life Guards was £3 7*s.* 2*d.* more than that of the ordinary cavalry soldier. He did not object to that, because the Guards were in attendance upon Her Majesty: the only fault he found was that they were much too numerous, and in that opinion he was sustained by the present First Lord of the Admiralty (the Duke of Somerset) who when a Member of that House had stated that one-third of the number would be sufficient for attendance upon her Majesty. But why the

cost of clothing the Foot Guards should be £1 16*s.* 5*d.* more than that in any other regiment, he was at a loss to say. The army was well clothed, and the highest encomiums had been passed upon the various descriptions of clothing with which the soldiers were furnished; but that would not justify so great a difference between one regiment and another. On the whole, he must say that the military and naval expenditure of the country was much in excess of what it ought to be, and he should have more to say on the subject in Committee.

COLONEL KNOX wished to obtain from the right hon. Gentleman (Mr. S. Herbert) a specific answer to one particular question of great importance to the army—namely, what course he intended to pursue with regard to the purchase system? In the debate on the purchase system the right hon. Gentleman was understood to state that purchase was to cease at the rank of major, and from that point the system of selection would be adopted. What was that system of selection? He said broadly and distinctly in that House that selection meant nothing more or less than jobbery. Nothing was more invidious than that any officer who rose by purchase to the rank of major in the army should suddenly find himself without any security whatever that his interests would be protected. Supposing an officer not connected with people of influence in England to be in the West Indies when his superior died—everybody here would know that there was a vacancy in the regiment long before the major in the West Indies, and the Minister would be subjected to every kind of pressure. Court influence, political influence, and all the rest of it, would be applied; and there was very little chance indeed for the major in the colonies, who had no influence here. They had seen enough of this at the Admiralty. The consequence very frequently was that many valuable officers would retire from the army in disgust; for they would very naturally ask, what was the use of purchasing successive steps up to the rank of major if, when they arrived at that point from whence they could look forward to promotion without purchase, they found that they were sacrificed to those who had more influence than they? He thought a specific and distinct explanation ought to be given by the right hon. Gentleman on this point. He asked the right hon. Gentleman to make a distinct avowal of the principle on which he meant to proceed, for the army was very anxious on the subject. With regard to the observations of the hon. Member for Lambeth (Mr. Williams), he (Colonel Knox) would not enter at length into a controversy upon the points raised by the hon. Member, but would content himself with saying that he had fallen into many inaccuracies in the course of his observations.

SIR CHARLES NAPIER, in answer to the hon. Member for Lambeth who asked what made it necessary to spend so much more money now for the army than during the Government of the Duke of Wellington and Sir R. Peel, would beg to inform him that at that time there was not a Napoleon Bonaparte on the throne of France, nor had France then an army of 600,000 men. For the same reason the money now spent on the navy must be much greater than during the period alluded to, for they had it on the authority of eminent officials—of the present Secretary of State for India (Sir C. Wood) and of the present Secretary of the Admiralty (Lord C. Paget)—that France could man her fleet when England could not man hers. These things he thought, proved the necessity for a more efficient army and a larger navy. A friend of his who had just come from France had asked a gentleman high in the naval department of that country whether the statements made in that House relative to the condition of the French navy were correct, and the answer he received was that as regards the ships they were very nearly correct, but that as regards the *personnel* they were very far understated. He had also been told by two gentlemen who had been at Toulon that there were seven years' store of every description in that place, and that the French could send out from it twenty sail-of-the line and 30,000 men in less than a fortnight. Therefore he said that, instead of the forces of this country being too large, they were a great deal too small; and he called attention to the fact that at the present moment the number of sailors for the British fleet was 7,000 below the Vote of the House of Commons.

SIR FREDERIC SMITH expressed his regret that the present Military Estimates had not been deferred until the Secretary for India had made his statement for India, because the number of men for India must, to a certain extent, regulate the expense of the establishments at home. With regard to the depôts, he should be glad to know whether the expense was paid partly out of the Indian and partly out of the Im-

perial revenue?—as there was nothing in the Estimates to show how the matter stood. With regard to fortifications, the money was asked for in a lump, without explanation; but the country had a right to know how the money was to be applied. The sum for this purpose in the Estimates had no connection with the large amount of about £11,000,000 which it was said would be proposed in consequence of the recommendations of the Defence Commissioners. He hoped, however, that such an estimate as that would not be brought forward. There were several items in the Estimates above the amount proposed last year. He thought some of them should be reduced, as there was no justification in many instances for the increase.

Mr. PALK remarked that, on a former occasion, in answer to a question from him, the right hon. Gentleman (Mr. Sidney Herbert) undertook to lay upon the table the Report of the Committee on the Defences of the Country before Whitsuntide; but that promise had not been kept. He did not wish to interfere between the right hon. Gentleman and the House; but he desired to know why the promise which he understood to have been given had not been observed. Of all questions the most important was that relating to the defence of the country, and he did not think it was right to allow the subject to dwindle into a matter of secondary importance, to be brought on at the fag-end of the Session. The subject, in his opinion, was of far more importance than the Reform Bill or the Wine Duties, which they had been discussing for such a lengthened period. He might misunderstand the feeling of the country, but he thought it was a question in which all ranks of the people were interested, and he warned the right hon. Gentleman and the Government that this question was not to be trifled with. Many questions might be postponed and undoubtedly must be; but the question of the Natioaal Defences could not be postponed. The course the Government might take with reference to the Defences of the Country must, in a great measure, depend upon the number of men voted for the service of the country. He thought the Government were open to censure for having delayed bringing this subject before Parliament. In finance the small margin taken by the Chancellor of the Exchequer had already dwindled to nothing, and but for the happy circumstance of another branch of the Legislature having interfered he believed the country would have been exposed to imminent bankruptcy. They were now at war not with Commissioner Yeh, but with the whole Chinese Empire. The great question was how the defence of the country was to be provided for, and how the expenses were to be met. If they proceeded by way of loan, that might be a reasonable proceeding; but if so they would have to make provision for that loan. If large defensive works were intended, gallant Officers on all sides of the House had told them that fortifications were absolutely dangerous, unless they could be efficiently manned. He knew that the Government were now under heavy contracts for the purchase of land for defensive works at Plymouth and Devonport, and therefore it was absolutely necessary that the matter should at once be brought under the consideration of Parliament. The right hon. Gentleman had promised to state the details of the steps intended to be taken, and also to lay upon the table the Report of the Commissioners; but if that was not done at once, there would be no time for the House to consider the subject fully as it deserved.

Mr. BENTINCK said, he wished to refer to what had fallen from his hon. Friend the Member for Chatham (Sir F. Smith) in reference to the 12th Vote in the Estimates, namely, the Vote for the Fortifications, £645,355. Now there were no details whatever given in the Votes as to how the money was to be expended. He wished to ask whether it was the intention of the right hon. Gentleman, when the Committee arrived at that stage of the Votes, to give them the particular items composing the gross sum. Now, he was one of those who were of opinion that all the money expended upon the fortifications at Alderney would be a complete waste of money. For this reason, if ever the contingency, which all had in their minds, although no one liked to name it—a war with France—should arise, we should have to find men to man these works. He thought we should find we had been constructing harbours which would be more useful to our enemy than to ourselves. They would prove useless either as harbours for the purposes of war or mercantile operations, and every shilling expended on them would be thrown away. Unless the Vote was placed in such a shape before the Committee as would enable them to deal with the items separately, it would be perfectly impossible to sanction the

whole sum. He hoped the right hon. Gentleman would inform them how they could deal separately with the items.

MR. SIDNEY HERBERT: In answer to the last two speakers, I venture to say, in spite of the hard words of the hon. Gentleman opposite, that I have not in any way shirked or evaded my duty. I have given every attention to the subject, which is one of immense importance; and I think no Gentleman will consider the Government ought to have laid the Report of the Commissioners on the table without at the same time being prepared to state the course they proposed to adopt. The Report is, I believe, so far advanced in printing that I shall be able to lay it on the table next week, but it would not be right to do so until I could state the course we propose to take with regard to the recommendations contained in it.

In answer to the Question of the hon. Member for West Norfolk (Mr. Bentinck), I may say that I never intended to ask the House to vote a lump sum without knowing the items of which it is composed. I inserted a lump sum because when we were about to deal with the Report of Commissioners which contemplated works on a large scale, it was necessary for me to put a Vote in the Estimates which might be necessary if any action were taken upon the Report, but which must be altered in its proportion and distribution according to subsequent decision. I proposed a Vote, but I do not think the House ever anticipated that I should ask them to grant it until all the details were explained. The details shall be given before the House is asked to pass any Vote upon the subject. The questions raised have been so numerous that I hardly know where to begin. It will perhaps be more satisfactory if I take them in the order they were put to me and answer them *seriatim*.

I think the hon. and gallant Member for Beverley (Major Edwards) began by asking whether I could produce the Correspondence that had taken place as to the Yeomanry not being called out for training this year; and another hon. Gentleman (Mr. Deedes) said there was great alarm in the regiment he commanded lest the Government should intend to do away with that constitutional force altogether, and that the men were falling away in consequence. The omission to call out the Yeomanry is not without precedent. It has occurred several times within my recollection, and no further back than 1857. The Yeomanry, however, have gone on and flourished since that time, and I should be sorry that any step taken by the Government, as this has been, under pressure, should lead to the impression that they undervalue the services of the force, or that it is not intended to call them out again. It is my opinion that the Yeomanry is a most valuable force. It may be a matter of consideration whether improvements in its organization might not be introduced, but the Government has a high opinion of the value of the Yeomanry corps, and would not desire at all to discourage them. This year has been one of great pressure, and considering the great increase of expense that has been put upon it, I have thought it right to avail myself of every resource which would enable me to meet the necessary expenditure for the permanent defence of the country.

The hon. Baronet the Member for Tavistock (Sir J. Trelawny), has referred to exchanges of officers from the Guards to regiments of the Line. I know that of late years the Guards have been very severely dealt with by the different warrants regulating promotion, and no one is more responsible for that than myself; for I felt it my duty on former occasions to deal, for the general good of the service, with great severity towards the Guards. But just look at the difference which the warrant of 1854 has made. Before that time the Guards, having always a step, or even two steps, in army rank in advance of the Line, and in attaining by brevets the rank of major-general, did occupy a position in the list of major-generals quite disproportioned to their number. But the warrant of 1854 did away with that. It is true they can exchange into the Line; but how seldom do you find that done unless under very exceptional reasons? A lieutenant-colonel of the Line is qualifying to become a full colonel; but if he exchanges with a lieutenant-colonel of the Guards he is qualifying for nothing until he become a mounted officer. That has made a very great difference with regard to these exchanges, and the hon. and gallant Officer opposite has written an able pamphlet in which he complains of the effect of the change which has taken place. I feel, therefore, that when speaking of this ancient corps, many of whose special privileges have been taken from them during the last few years, and when I recollect that I have been the instrument of doing things that have pressed hardly upon them, I am bound to say something in their be-

half, when I hear statements like those of the hon. Member for Lambeth with respect to them. The hon. Member spoke of the great advantages possessed by the Guards, and seemed to deride their services, as if they consisted of little else than marching from the Tower to Windsor and from Windsor to the Tower. The hon. Member, in so speaking, was utterly forgetful of the duties which they have to discharge. Whenever there is an important service to be performed, an expedition to be undertaken, requiring courage, experience, and ability, we uniformly go to the Guards, as a corps which we are sure to find in the finest state of discipline and efficiency, and always ready for any service they may be called upon to undertake.

I hope the different Members who have spoken to-night will excuse me if I make a short statement in answer to the numerous questions that have been put to me. I was asked by the hon. Baronet (Sir John Trelawny) whether or not aides-de-camp were subjected to examination. I have to reply that, not only are they subjected to examination, but to one of some importance, and which exceeds in extent that of almost any other country in the world. They are examined, not on military matters only, but in languages and other accomplishments. I find that in Prussia, for example, which is the most examining country in Europe, and where there is an almost pedantic adherence to theoretical tests, there is no examination for aides-de-camp. It is, however, strictly carried out with us, and I believe it is attended with very great advantages ; and I believe Prussia is about to follow our example. A gallant Officer opposite spoke of the expense of the disembodied Militia ; but he also said that, after all, if it was found to be of service for recruiting the army, he did not see how it could be abolished without detriment to the public service. There used to be a vast amount of men in this department on paper, who were maintained in this position because it was said that if that number of men no longer existed the difference would be filled up by men who would only enlist to abscond. But this paper force no longer exists. All these paper men had now been struck off. I do not know it officially, as the Returns have not yet been sent in ; but I have reason to believe that all the men have been struck off who do not really exist, and who have either deserted or gone over to the Line, and those only are included in the Returns who form part of the effective force of the various regiments. I have also just sent out a circular to the colonels of disembodied Militia, announcing that the Commander-in-Chief had issued the most stringent regulations against recruiting parties attempting to induce disembodied militiamen to leave the Militia to join the Line—because I think there is no more use in asking a militiaman to go to the Line than there would be to ask a man to leave one regiment for another. The officers of the Militia, when they know that they are protected from that invasion, will have recourse to a class of men not very valuable for the Line but valuable for the Militia—men of fixed habits and whose characters are known. In this matter I think that not only the House but the public out of doors are run away with by the comparison which they make between an embodied and disembodied regiment. It is said that twenty-eight days' drill will not make an efficient soldier. No one says it will. If you want to make an efficient soldier, pay him all the year round. But if you want a reserve that will not cost much, and which by further training can be made efficient men, then I say the system of twenty-eight days' drill will, as near as possible, combine the two objects of cheapness on the one side and a certain advance towards efficiency on the other. The hon. Member for Lambeth complains that the two sides of the House uniformly support each other when the Estimates come to be considered, and that the economy of the service cannot in consequence be secured; for, whatever difference of opinion there may be on other questions, they are always, he says, sure to combine to maintain the Estimates. Now, I think I can explain this by saying that on other questions we are more or less regulated by party feelings ; but that no one can shut his eyes to the necessity that exists of having this country at all times in such a state of defence as to make it secure against the aggressions of an enemy. The right hon. Gentleman (General Peel) has referred to the system of reliefs, of which he complained. All I can say is, that, though the rules which have been laid down for reliefs are adhered to as closely as possible, there are often disturbing causes at work that prevent them being regularly carried out. Thus, the Indian war, the Russian war, and the Indian mutiny very materially disturbed the arrangements that had been made, and at

one time during the Russian war we had not more than 24,000 troops in England. This arose because, with a small establishment, we were attempting to carry on a great war. We are told of those times when, during the administration of Wellington and Peel, the military and naval expenditure of the country was so much less than at present, the Army Estimates being £11,000,000 less than now; but we must recollect that this great reduction took place when the whole face of Europe was exceedingly pacific; and we must also recollect that for that state of things we are now paying, for it was the lowering of our stores, and the reduction of our armaments in those times that have imposed on us now the heavy burdens we are called to bear. We have been for years at the War Office striving to retrieve this error, for we were deficient in stores in every part of the world, and it is an error that I trust we shall not fall into again. I think we are bound to look most closely to every item of our vast expenditure; but I confess that I find great difficulty in carrying out this object, in consequence of the claims that are constantly put in now by one class of officers and now by another, all of which would go to increase greatly our military expenditure. The Secretary for War, however, is bound to recollect that we have got the most expensive and most highly paid army in Europe, and that every time the cost of that army is increased the effect is to diminish its numbers.

A question has been put to me about the Land Transport Corps. I had thought that the question of the Land Transport Corps was long since settled, and I confess I was somewhat alarmed when I was charged with not having kept good faith with the persons making the claims now urged. An hon. Gentleman (Mr. John Locke) spoke of their being promised 6*s.* a day, and that the agreement was that they were to be taken for two years; but that agreement, it turned out, was only to be carried into effect provided their services were required. Then the hon. Member for Greenwich (Alderman Salomons) got up with a gigantic placard in his hand, and I confess I was somewhat alarmed again, thinking it almost impossible but that some recruiting zealot, regardless of truth, had made some promise of a three months' gratuity on service for two years. Not a bit. The placard agreed with the attestation. The Government had adhered to their bargain, and there was not a shadow of a case of grievance on the part of these men. Lord Panmure appointed a board of officers to consider their complaints. They refused to acknowledge the authority of a deputation or a Committee that had taken up the matter, for these men had got into the lawyers' hands—but they heard every individual, and they settled their claims satisfactorily.

I now come to the question which my hon. and gallant Friend (Colonel Lindsay) brought under the notice of the House relative to the officers who in 1826 accepted unattached rank on half-pay, the Government having thought it necessary to relieve the list. My predecessor in office thought that the case on the part of these officers was a good one, and he referred it to the Treasury, who refused the claim. I am therefore impartial in the matter. There was a doubt thrown upon the interpretation of the General Order, but I think, upon the whole, that the Treasury was right. No one would have made so improvident a proposal as that these officers should be promoted by steps of unattached rank remaining on half-pay, and should have at the same time, not only the advantages of half-pay, not only the advantages of full-pay, but advantages which a full pay officer would not have. Two years before the issue of the Order of 1826, a rule was established requiring six years' service as field officer before a man could become a major-general. These officers thought it a hardship that they should go upon half-pay and lose 4*s.* 6*d.* a day for so many years. But they got their steps in promotion, they were freed from foreign service, and they rose in rank to be brevet officers. The hon. and gallant Gentleman says they had not married and did not intend to marry; but that was their misfortune—if they had, their widows would have been entitled to the advantages afforded by the Order. What was the object of the rule? A man was to serve six years as a field officer, because the experience of a field officer's rank is necessary to make a General officer. Even if a man had been serving under the burning sun of India, he would nevertheless be ineligible to the pay of major-general unless he had served six years' as a field officer. If, therefore, the officers who availed themselves of the Order of 1826 enjoyed a dispensation from the six years' service as field officers, they would not only have all the advantages of half-pay and full-pay, but another advantage which officers on

full-pay did not possess—exemption from service in unwholesome climates. This would be a solution of the problem that has puzzled so many people—how to eat your cake and have it. They would gain a step in rank, they would be receiving their half-pay at home, and at the end of the period they would be in as good a position as an officer who had been under a grilling sun in the East or West Indies, or had served in the most unhealthy climate. Although a doubt has been expressed on the words of the General Order, I think the Treasury upon the whole came to a wise and just decision in the case of these officers. With regard to the question of the compulsory retirement of medical men at 55, the warrant gives them great advantages in a higher half-pay. There is, too, this to be said, that, although the rule may be said to be an arbitrary one, it is not only advantageous to the soldier, but to the medical profession, as it entails more rapid promotion in the regiment, and gives the soldier the benefit of the services of men in the vigour of their age. I now come to the question raised by my hon. Friend (Mr. Childers), who says we have been doing a great injustice unwittingly to some of the Colonies. There are in the Estimates all the sums that the different Colonies pay in aid of the military expenses of the colony, and which are paid under arrangement into the Exchequer. The particular colony of Victoria, which is, I admit, one of the most liberal, does not appear on that page, because the sum is paid into the Exchequer either as colonial allowances, or to cover the whole pay and allowances. When the regiments are serving in India the payment is left blank, because the Indian Government undertakes the payment. When a regiment in Australia is paid entirely by the Australian Government, it ought to stand with that explanation against it; but there is this difficulty in the way:—We make our Estimates for the year to come three or four months before the Estimates are agreed to. We ought to know beforehand what the colony intends to do. The colony at different times, either from local financial difficulties or other causes has taken different views, and we, of course, are not aware whether by a vote they may not decline to advance this money. If, however, we could come to a clear and definite arrangement for a payment extending over a certain period the difficulty would be got rid of. I, for one, should be glad to see a colony so public spirited receive full credit for its liberality on the Estimates.

I will not now enter upon the subject of colonial defences introduced by the right hon. Member for Staffordshire (Mr. Adderley)—a subject of all others requiring the most careful, deliberate, and delicate handling. It would be taken very ill in the Colonies if the Government, without consulting them and giving them an opportunity of pointing out any exceptional circumstances, were to announce that they were going to apply a Procrustean rule to them as to the payment by them of the expenses of colonial defences. We have the advantage of the labours of the Committee on the subject, and the very clear and able rule they have laid down, and, on the other hand, we have the exceptions taken by one of the Committee to some of the opinions in the Report. If the world were ruled by logic the arguments might be very good, but men have feelings and passions which must be taken into consideration, and upon no subject is it more necessary to act with care and caution than upon one so largely appealing to the interests, feelings, and hopes of the different Colonies that compose our colonial empire.

I come now to the question of the Ordnance Corps. I must say that a great deal of the argument of my hon. and gallant Friend I thought extremely sound; but I cannot help suspecting that he, as an Artillery officer, did not examine both sides of the question. The Artillery and Engineer officers are a peculiar body, and have almost a monopoly of a vast number of places and appointments to which they are fully entitled by their attainments, but from which field officers of the Line are excluded. They are a seniority corps, without purchase and without selection; and the result is that unless you have men of very advanced age in the upper ranks, and unless there is a great augmentation to the Corps, promotion is slow. The average age of the full Generals of Artillery was, I believe, lately 84 years. The average age of sixteen officers commanding brigades, answering to the colonels of regiments, was 78; and of sixteen unattached officers, 71 years. The three supernumeraries are, I believe, all employed. The same observation, of course, applies to the Engineers. The pay of Artillery officers is very high. A brigade of Artillery, which answers to a battalion of the Line, has a colonel, who is generally on leave, another colonel in com-

mand, and four lieutenant colonels. The officers of Artillery enjoy an entire monopoly of the Staff of their own corps. It would not do to make an officer of the Line Adjutant General of Artillery; but the Staff appointments of the Line are open to officers of Artillery. Now, these are all decided advantages. The number of Artillery officers employed in other departments not strictly military is very large; and I own that, in my opinion, it is only what they are fairly entitled to from their superior attainments. There are twenty-nine officers of Artillery on the Staff, including Colonel Bingham, Colonel Wodehouse, Colonel Dickson, &c. Colonel Wilford is Governor of the Cadet Company; Colonel Tulloch, Royal gun-carriage department; Colonel Askwith, gunpowder manufactory; Colonels St. George and Rowan, and Lieutenant-Colonels Campbell, Younghusband, and Smythe, War Department; and so on, to the number of forty altogether, in civil employment. All these things must be taken into consideration as a makeweight against the lesser employment of the Staff of Artillery officers in other capacities. I think that officers of that corps placed in command in districts where the artillery amount to 4,000 or 5,000 men have a fair claim to consideration, and I believe this matter is now under the consideration of the Commander in Chief.

As the hon. Gentleman (Mr. Conolly) who complained of the scandalous outrage committed on his proprietary rights as the owner of a large fishery, has postponed his Motion, I need not go into the question now. His argument is that when the War Department purchase a property, they do so for military purposes alone, and therefore acquire only the right of firing guns or whatever it may be, without any manorial rights. I cannot admit that such is the case. I hold that when the War Department buys land, it buys everything belonging to it, the same as any other purchaser; and I do not see why the public should be robbed of those particular rights, when they pay for them.

GENERAL PEEL: And pay a great deal more than anybody else.

MR. SIDNEY HERBERT: A great deal more, no doubt; and therefore I do not see why we should give up any of our rights.

I come now to the speech of the gallant officer the Member for Westminster (Sir De Lacy Evans). He said, with great truth, that in a Committee upstairs after we had discussed the subject of the responsibility of the Secretary of State for the appointment of officers of high rank, when he asked whether or not I was responsible for the appointment of General Grey to be colonel of a regiment, I replied that I should prefer to have that question addressed to me in the House of Commons. I thought that if a transaction of that sort was to be publicly questioned, it ought to be done where it could be publicly defended. The gallant Officer began by reading extracts from the evidence given by Lord Fitzroy Somerset, to the effect that the colonelcies of regiments were given to three classes of officers—first to those who had distinguished themselves in war; second, to those who had performed colonial services; and, third, to those who had not been so fortunate as to have been engaged in war or colonial service, but who had commanded efficiently and respectably at home. The gallant Officer supposed that General Grey's appointment came under the last head. That is a mistake; it did not come under the last head. I have seen it stated in the public prints that General Grey was an officer who had never been out of Hyde Park; and, by way of cumulating all his offences, that he was a Gaurdsman. General Grey never was a Guardsman. He has been in the Line all his life. He was attached to the 43rd regiment, and was twice on colonial service with it; he was colonel of the 71st Regiment, and was in Canada with it. He commanded it for nine years. During the whole time General Grey was in the army there were only two occasions when there was a foreign expedition of any kind—one was to Portugal and the other to Canada, when the rebellion had broken out; and he happened to take part in both. I wish to destroy entirely the notion that General Grey has been a stranger to service out of Hyde Park. He comes under the category of having served in the Colonies. Lord FitzRoy Somerset laid down correctly the rules which had hitherto prevailed in disposing of these colonelcies. They are not given according to strict seniority. Officers are occasionally passed over by those who are their juniors. That was General Grey's case. He was passed over three or four times, and once by a very excellent officer, who had seen no foreign war service—General Breton, who is now in Mauritius. It is said there are officers, senior to General Grey, who can point to long and distinguished service. General

Bell's name has been mentioned; but on referring to the *Army List* I find he is considerably the junior of General Grey. There are officers who have served in the Peninsula, but they have done nothing since. What has any one to say against General Grey? Officer after officer has been appointed with less service than he can show. In answer to the question addressed to me on this point, I may say that the Secretary of State is responsible for these appointments, but that he acts on the recommendation of the Commander-in-Chief. The Duke of Cambridge said to me, "I think General Grey's services are such that he ought not to be passed over any longer; I think nothing could be more wrong than to make him colonel of a regiment on the ground that he has a place at Court." No one can deny that. "But," he added, "it would be most unjust to refuse him the place if he has otherwise a title to it, because he has an office at Court." I asked his Royal Highness whether, if General Grey were General Smith, with no place at Court, and unconnected with any known family, but with some colonial service to point to, he would be entitled to the place, and the answer was that he would have got the appointment before this. Therefore, merely because a man happens to possess a place at Court, and there may be an outcry in the public prints about his getting any other place, it would be a shabby, cowardly thing not to give him a post of this sort when it falls vacant, and he has otherwise a fair claim to it. Once lay down the rule that a man who has a place at Court is not to receive the reward to which he is otherwise entitled for service in the army, and what will be the result? Her Majesty has surrounded her children with officers of distinction. The Prince of Wales is attended by General Bruce and Major Teesdale, Prince Alfred by Colonel Cowell, Prince Arthur by Major Elphinstone. Well, once make it the rule that the moment a man accepts a Court place, a black mark shall be set against his name, that his past service shall not count, that he shall be debarred from receiving the legitimate honours of his profession, and you exclude from the places which it is the interest of the country to have filled by the best men, the very officers whom you would yourselves select, as the best persons to discharge the duties. Nothing could be more unjust than to lay down such a rule. The gallant Officer who brought this matter forward said I spoke to him so confidently he supposed I had a good case. I believe I have a good case, and I repeat it would have been a mean, shabby, and cowardly thing to have refused an officer, on account of name, position, or connection, that reward to which, in the ordinary course of service, he was fairly entitled. It has been said that Sir John Inglis has been recommended to the colonelcy of a regiment out of his turn. I own that such a step may be taken exception to; but as the gallant officer had returned from India with broken health, and as this was the regiment with which he defended Lucknow, both the Duke of Cambridge and myself were of opinion that it would be a just and graceful act to offer him, although out of his turn, the command of the regiment with which he had been so honourably associated. I will not now make any further observations, but after this long discussion I trust the House will allow me to take, at any rate, the first Vote. The difference in the number of men is very small, about 2,000. The discussion may be taken on the next Vote for the pay, and we shall then have taken one step in considering these Estimates.

MR. DISRAELI: The question raised by the hon. and gallant Member for Westminster involves a principle of much greater importance than the mere merit of an individual or the propriety of a single appointment; and I think the House would do well to express, though not in a formal manner, their opinion on this point. I will not at all enter into the merits of the individual whose name has been introduced into this discussion. I think the right hon. Gentleman the Secretary for War has given a sufficient answer to the charge that the promotion of General Grey has been made in the case of an individual not entitled by his services to that mark of recognition by the Crown. This question ought to be argued with reference to the mere case of the individual. I certainly should have no prejudice in favour of General Grey. My earliest recollection of the gallant Officer is associated with my having stood three contested elections against General Grey, in all of which that gallant Officer vanquished me, and that at a time of life when defeat does not lead to those amiable results which at a more advanced period are possibly experienced. But the point to which I wish to allude is this—is it to be laid down as a rule that because an officer has an appointment at Court, he therefore is to be looked upon as

a soldier not entitled to promotion, or to the fair prizes of the profession to which he belongs? It is not merely the practice of our own Court, or our own Princes, that those immediately in attendance on them should be military men. In Europe, during some centuries, such has been the custom. It is a fact that the Households of Sovereigns and of Princes near the Throne are invariably formed of members of the military profession. Then are we to lay it down as a principle that, because a soldier accepts office in the Household of our Sovereign or of a Prince near the Throne, he is no longer to be entitled to promotion or preferment in his profession? If so, the consequence must be that you must have in the Royal Households a very inferior class of military men. It is not for the interest of the country that our Sovereigns and the Princes of their families should be surrounded by military parasites; but rather that they should be surrounded by men of station, of independent feeling, of high qualities, and with a sense of responsibility. So long as the system prevails — and I confess I see no good reason why it should cease to prevail—it is a matter of importance to the public interest that the Officers in the Royal Household should be men of the highest class, and that it should not be considered because they accept appointments in the Royal Household they are therefore to be deprived of all future promotion in their profession. The public interest in this matter undoubtedly is, that the individuals who occupy this position should be men of station—men who by their cultivation and general feelings would exercise a beneficial influence on the sentiments of those with whom they are brought in contact. The gallant General whose name has been introduced into this question is one who fulfils those conditions. He is the son of an eminent statesman, is himself distinguished, and I believe it will be acknowledged by all that he has performed the duties of his office at Court in a manner that has entitled him to respect.

COLONEL DICKSON rose to say one word on behalf of his old Friend and brother officer, General Sir John Inglis. He agreed with the right hon. Gentleman (Mr. S. Herbert) that it was a graceful compliment to the gallant Officer to make him colonel of the regiment which he commanded at Lucknow; but the House should understand that it was little more than a compliment, for in accepting the regiment he resigned his good service pension of £200 a year, which would now be conferred on some other officer.

Motion *agreed to.*

SUPPLY.—ARMY ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

(1.) 1,907 Men, a further number of Land Forces.

MR. SIDNEY HERBERT said, at that hour (half-past eleven) he would state the differences between the first and the present revised Estimate as shortly as possible. There was a difference in the first Vote of 1,907 additional men, which arose from the fact that six battalions of infantry and a regiment of cavalry were coming home from India. In Vote No. 2 there was a corresponding addition in consequence of those regiments coming home. In Vote No. 3 there was a diminution of £54,000, in consequence of a reduction in the number of men to be raised, as well as a reduction of £15,000 in the purchase of horses for the Artillery. There was also some diminution in consequence of the postponement of the erection of a military prison in Canada. In the Works Department there was a reduction of nearly £76,000, chiefly in the carriage department, owing to the carriages having got ahead of the guns. As to the reduction in clothing to which an hon. Member referred, that arose on the free kits, which of course were not required by the men coming home from India, but would have have had to be given if the men had been newly raised.

COLONEL HERBERT said, it was unsatisfactory to see a reduction of the regiments at home. The nominal increase was 8,000 men, and that hardly compensated the force sent to China. There was a Vote of £322,000 for Embodied Militia, but the amount would supply the pay of 16,000 additional regular soldiers. It was most unsatisfactory to see the regular regiments so weak and ineffective.

COLONEL KNOX reminded the right hon. Gentleman that he had not answered his question respecting the new purchase system.

MR. SIDNEY HERBERT begged pardon for having overlooked the gallant Member's question. He adhered to what he had stated on a former occasion that the new system would require considerable deliberation. He had in nowise departed

from the views which he had previously announced on the subject.

GENERAL UPTON said his question had not been answered.

MR. SIDNEY HERBERT could not hold out any hope that Government would increase the pensions in the way the gallant General proposed. Pensions might be desirable under the old system, when a man enlisted for life; but with the present short periods of enlistment he thought it was better to benefit the condition of the soldier by increasing his pay than his pension. The case of disabled men certainly deserved consideration.

SIR FREDERIC SMITH asked for an explanation of the discrepancy between the strength of the Indian depôts, as given in the Returns and in the Estimates. In the former the number appeared as 15,000, in the latter 12,000.

MR. SIDNEY HERBERT said, the numbers of men at these depôts were constantly changing; but in the Estimate he had taken 12,000 as the average. He might state also that the cost of these depôts was borne by the Indian, and not by the English Government.

Vote *agreed to.*

(2.) £3,236,701 to complete the sum for Pay and Allowances of Land Forces.

SIR FREDERIC SMITH called attention to the increase that had accrued in the good-conduct allowances this year, and asked if that was owing to any change of system.

MR. SIDNEY HERBERT said, the amount for good-conduct pay was annually increasing. There was also an increase in consequence of a recent alteration by which the first badge would be acquired in three years instead of five.

COLONEL LINDSAY said, the army was extremely indebted to the right hon. Gentleman for the last good-service warrant. On the old warrant, when a soldier completed eighteen years' service, and sixteen years' service clear of the defaulters' book, he was entitled to get a fourth good-conduct mark. The number of years was now reduced by which a soldier could gain a good-conduct mark, but he thought the period might with advantage be still further reduced. He thought that two more years might be taken off. He rose, however, principally to call attention to the position of field officers placed upon half pay on their removal from Staff appointments on the expiration of five years' Staff service. On the Staff an officer was usually on half-pay of his regimental rank, but his Staff pay was altogether distinct from that of rank; in the case of lieutenant-colonel it would amount altogether to £400 a year. But when his five years' of service on the Staff were up, he was removed and fell back at once to the half-pay of his regimental rank—about £200. This he thought a great hardship. They wished to encourage their best officers to go upon the Staff, and they also compelled them to go through a very scientific education before they were appointed, and therefore it was a hardship to remove those officers and make them fall back upon what was perhaps a paltry pittance. If they really desired to encourage their best officers to go on the Staff they should not remove them on the ordinary half-pay, but give them some increased half-pay—something between regimental half-pay and the pay of Staff officers, in order to make their position at all palatable or agreeable to them. There was also another hardship to which they were liable. When a sudden emergency arose, like the Indian mutiny or the China war, a number of officers educated at the Staff College were placed on the Staff; the difficulty was suddenly arranged or got over; and these officers, being removed from the Staff before their five years were up, were liable to see junior officers to themselves passed over their heads.

SIR JOHN TRELAWNY said, that as this Vote included the case of General Grey, he was diposed to say "No" to it, in order to enter a protest against its being supposed that the defence set up by the Secretary for War was at all satisfactory. The right hon. Gentleman said that General Grey's being connected with the Court was no reason for his not being a fit man for the appointment; but what he ought to satisfy the House of Commons of was, not only that he was a fit man, but that there was nobody available at the time more fit.

LORD HOTHAM said, that on a former occasion the right hon. Gentleman the Secretary for War had said that Staff appointments would shortly be closed against all who had not passed the Staff College. He wished to ascertain from the right hon. Gentleman how persons were to obtain appointments on the Staff, and what use for the benefit of the army he proposed to make of those officers who had received their education in the Staff College. The right hon. Gentleman said it had been proposed

to form a separate Staff corps, but the objection to that course was that it might create jealousy amongst the other officers of the army. That jealousy might be created if the officers were selectd without reference to their qualifications; but if the best officers were selected then no jealousy could arise. Did they wish to have able officers on the Staff or not? Did they intend to adhere to the rule of five years' service, and then send the officers back to their regiments? If so, the effect would be merely to make a set of bad regimental officers. Who were to do their duty in the regiments while they were at the Staff? If they could spare officers from their regiments, it was a proof that they had too many. Adverting to the subject of the recent appointment conferred upon General Grey, great confusion had arisen from describing appointments to colonelcies of regiments as the reward of distinguished service. That was a mistake. They were given for distinguished services when the officer, upon whom the appointment was conferred, had not attained the seniority, which would, otherwise, entitle him to it. General Grey having served for the time required by the existing regulations, he (Lord Hotham) had nothing to say in opposition to his appointment. It was a perfectly just rule that in those cases in which officers had long and efficient foreign service to adduce in their favour, a preference should be given to them over those who did not happen to be so fortunate; but then the claims of the latter, though they might be somewhat postponed, should not, he contended, be altogether ignored. It was not granted to every officer to be afforded an opportunity of performing distinguished military service, and those, therefore, ought not to be shut out from reward who, although they might not have had the advantage of such opportunity, yet discharged with credit the duties which devolved upon them in the position in which they had been placed. While that, however, was the view which he took on the subject, he should wish to call the attention of his right hon. Friend the Secretary for War to the statement which he had made, to the effect that nothing less than six years' service as a field-officer could entitle an officer to receive the full pay of a General officer. Now, his right hon. Friend had not alluded to an important exception to that rule, and he would, therefore, take the liberty of asking him whether he thought it was fitting that an officer who had passed, say five years and nine months amid the arid plains of India, or in some still more unhealthy climate, should not be held entitled to receive a General officer's pay, and that a person holding office about the Royal household—for instance, the office of Principal Equerry—altogether a political officer, and changed on every change of Government, who, perhaps, had not passed a single day on foreign service, should have open to him the same reward as Sir John Inglis, or any other officer who had done active duty, and had gained the highest distinction abroad, while the regulation requiring six years' service as a field officer was administered with such strictness against those who had nothing but their own services to recommend them. He had always felt that the exception made in favour of those holding offices about the Court was a great scandal, and he alluded to it now because he feared, from what had fallen from the right hon. Gentleman, that an extension was about to be given to the principle that in future the honour of being an Equerry for a certain number of years would be sufficient to put such an officer on the same footing for promotion as long and faithful service in defence of his country.

GENERAL PEEL inquired if the Vote now before the Committee included, besides the ordinary pay, the colonial allowances to the troops in Australia, for instance?

MR. SIDNEY HERBERT was understood to reply in the affirmative.

MR. O'BRIEN asked if it were true that the pay of the officers of the Royals at Hong Kong had been reduced after being voted by the House? He wished also to know whether any Roman Catholic chaplains had been sent out for the benefit of the soldiers in the 1st Regiment and others forming the China expedition?

MR. SIDNEY HERBERT said, that the reduction referred to had been made in mistake. He would ascertain the number of chaplains that had been sent out, both Protestants and Roman Catholics.

MR. CHILDERS thought it much more convenient that the whole provision, including extra allowances, should appear in the Estimates, and that a deduction should be made of the contribution by the several Colonies, which, in the case of Victoria, was very considerable. In fact, that colony had for three years borne the entire expense.

MAJOR STUART KNOX would be very sorry to follow the example of the hon. Baronet (Sir J. Trelawny). He was an old

Guardsman himself, and he was sure they would always be found doing their duty. But he would ask what was the use of a general commanding a brigade of the battalions of Guards? He believed there was no such appointment for forty years before the return of the army from the Crimea, and it appeared to be made for a particular individual. He should like to know, when the five years had expired, would that appointment be continued?

MR. W. WILLIAMS said, the Vote for the Staff was £18,687 more than last year, and there were several items which required explanation, having been charged for the first time.

COLONEL HERBERT wished for some explanation with regard to the troops employed in China, which exceeded the number estimated, and were to receive extra pay and allowances. As there were eight or ten battalions of these, besides Artillery, the sum must come to a very considerable amount.

COLONEL NORTH, with reference to the case of the General officers unattached, brought forward by his hon. and gallant Friend the Member for Wigan, must say, after the admission of the right hon. Gentleman that the question was one of doubt, this was the first instance in which the petitioners had not received the benefit of the doubt. These officers merely asked what they were entitled to, and it was extremely hard, it was pitiful, paltry, and mean, that seven General officers who had done their duty to their country should thus be bandied about between the Treasury and the War Office on a question of this sort in the richest country in the world.

SIR STAFFORD NORTHCOTE did not wish at that late hour to raise a question as to the accounts of this country and the Indian Government, but there was a discrepancy in the Estimates which he wished to have explained. The number of men borne on the establishment last year was greater than the number voted. How was it that the deduction for the pay of men wanting to complete the establishment had been reduced from £267,000, the original sum proposed, to £126,000? Were they likely to have any statement of accounts as between this country and the Indian Government?

MR. SIDNEY HERBERT said, that the whole increase on the Staff was only £7,000—a sum which did not amount to the Staff employed on the expedition to China. As regards the giving of regiments, the rule that had obtained was that the officer who had seen colonial or even home service was entitled in his turn to have his regiment, although, certainly, with regard to the appointment of General Grey, officers distinguished by war service had frequently passed over his head. That had been the case with General Grey. He had never intended to say anything that would in the least degree bear the construction that had been put upon his words. With regard to the question put to him by the hon. Baronet opposite (Sir Stafford Northcote), that hon. Member, from his cognizance of these mysterious transactions as Secretary to the Treasury, was a much better authority than he could be upon this matter. It was not usual to include in this Estimate the allowances to British officers serving in China. The ordinary pay and allowances only were taken in this manner, the rest being provided for by Votes of credit. In the first instance Indian allowances were paid from the commissariat chest, and the accounts were ultimately sent home to the Treasury. The process was a very complicated and cumbrous one. The hon. Baronet asked why a smaller deduction from the pay of men deficient from the establishment appeared in the revised Estimate from that which appeared in the original Estimate. The answer was, it had turned out that too small a sum was taken in the first Estimate. The local European troops disbanded in India had returned to England. Recruiting for the army fluctuated greatly at different periods of the year. At harvest time it was very slack, but it revived again during the winter; and he had therefore made a smaller deduction for the pay of men deficient from the establishment. Undoubtedly officers put upon half-pay on the expiration of their Staff service were thrown upon their backs, and their future career much interfered with. The Commander-in-Chief was now engaged in trying to make some arrangement that would at least mitigate this evil.

GENERAL PEEL said, he could not alter his opinion with reference to the justice of the claims of the officers alluded to by his gallant Friend behind him. They were justly entitled to what they claimed.

MR. SIDNEY HERBERT said, the officers had acted for their own advantage, and must abide by the consequences.

COLONEL LINDSAY denied that they had done so for their own advantage—they

got 14*s.* 7*d.* less pay than before, and no advance of rank. They had not enjoyed a single advantage that had been promised them. It was one of the hardest cases he had ever heard of.

MR. BUTT asked, why medical officers serving in India had not received the benefit of the Royal warrant improving their rank.

MR. SIDNEY HERBERT replied, that these gentlemen were paid according to the Indian rate, which was much higher than that allowed for home or colonial service.

Vote *agreed to.*

(3.) £287,285 Miscellaneous Charges for Land Forces.

COLONEL KNOX moved that the Chairman report progress.

MR. SIDNEY HERBERT assented, and, in reply to an hon. Member, stated that the Army Estimates would be proceeded with to-morrow evening.

House resumed; Resolution to be reported *To-morrow*; Committee to sit again *To-morrow.*

House adjourned at a Quarter after One o'clock.

HOUSE OF COMMONS,

Friday, June 1, 1860.

MINUTES.] PUBLIC BILLS.—1° Leasing and Improving Land (Ireland).
2° Universities and College Estates.

On Motion that the House at its rising adjourn till Monday,

ROAD THROUGH ST. JAMES'S PARK. QUESTION.

MR. KINNAIRD said, he rose to ask the First Commissioner of Works, Whether the recommendation of the Committee which reported in 1856 in favour of opening a carriage way from St. James's Park to Trafalgar Square would be carried out, and if not, what were the reasons for such decision on the part of the Board of Works? He thought that there was at present a favourable opportunity for carrying out the Report of the Committee, owing to the Board of Works having purchased Berkeley House, and having widened the opening from the Park into Cockspur Street. The House, perhaps, was not generally aware that a Committee sat on this question in 1846, presided over by the present Lord Llanover, and they reported in favour of such a communication being opened; but the difficulty was the expense, which at that time would have been very considerable. This great and necessary improvement might now, however, be made by the purchase and removal of one house, which had only a lease of eleven years to run. Any one who would look at the neighbourhood would find that there was an immense traffic at the bottom of the Haymarket, and a crowd of carriages around the fine exhibitions open in Pall Mall. When Her Majesty held a levée or a Drawing room the power of moving was still further impeded by the carriages pouring into St. James's Street. There was, indeed, no part of London more obstructed in the afternoon than that extending from Pall Mall East to Trafalgar Square. The obstruction arose from the traffic being unnaturally forced from the south-west along this thoroughfare. A continuation of the road by Hanover gate straight to Trafalgar Square would be of the greatest possible advantage to the public. He had seen a letter the other day signed "A Parishioner of St. James's," which stated the case so clearly and ably that he should like to bring it under the notice of those who had not read it. The writer said:—

"The present moment is a favourable one for calling attention to the urgent necessity of diverting by every means in our power the overwhelming traffic which at present chokes the London thoroughfares. To do this will, in many instances, call for a vast outlay of capital; there are, however, a few cases in which little beyond good sense, good feeling, and energy are required to effect immediate relief. One of the *mauvais pas* of London, for instance, most detrimental to carriages, and most favourable to coachmakers, is the eastern end of Pall Mall, between Waterloo Place and Trafalgar Square. To the innumerable vehicles which, rolling down St. James Street, and crossing St. James's Park from the western suburbs, pass along Pall Mall proper, are added, as soon as they reach the Athenæum Club House, the whole northern traffic of London. Omnibuses from Baker Street, Kentish Town, and Hampstead, pour furiously down through Regent Street and the Haymarket on their way to the Strand and to Westminster, while the crowds of carriages waiting at the doors of the various exhibitions—of which there are no less than five within 300 yards of each other—contract the gangway and increase the dangers and delays of the conflux. An obvious mode of relieving this nuisance exists. Were a gate opened from St. James's Park into Trafalgar Square, and were the public permitted to use the deserted road within the park, every private carriage which now crosses from the south-west into Pall Mall, or which comes down St. James's Street, bound

either to the Strand or to Westminster, would, avoiding Pall Mall, drive along the Park through the proposed gate into Trafalgar Square."

He was sorry not to see the Chief Commissioner of Works in his place, as he understood that the right hon. Gentleman was favourable to the proposed improvement. The expense was so small, and the advantage of the new carriage way would be so great, that he trusted this small modicum of Metropolitan improvement would not be refused.

MR. DARBY GRIFFITH said, he wished to point out the inconvenience of shutting at night the gate at the corner of St. James's Park, near Storey's-gate. A Member of that House walking down to the House from the Duke of York's Column was not bound to know that this gate was closed at ten o'clock. On one occasion he had to get over the paling on his way to the House.

SIR JOHN SHELLEY said, that as the First Commissioner of Works was now in his place, it might be convenient to him to know that public attention had been very much directed to the subject of improved communication between Trafalgar Square and St. James's Park. The question had long been kept hanging over their heads, and the alteration might now be carried out at a very trifling expense, seeing that the Metropolitan Board of Works had done their part by putting the house which belonged to them farther back than the old Berkeley House, and that the house opposite was Crown property. He hoped his right hon. Friend would say whether he had sufficiently considered the Report of the Committee?

LORD HOTHAM said, that having been a Member of the Committee referred to by the hon. Member for Perth (Mr. Kinnaird) he begged to remind him that the recommendation given in their Report was carried only by the casting vote of the Chairman. He believed the reason why the Committee did not recommend the formation of the communication in a more decisive manner was simply because they felt that if it were true, as they were repeatedly assured, that the residents in that neighbourhood had a great interest in getting the communication opened up, these residents ought to exhibit that interest by forming a road from Charing Cross to the boundary of the Park, and then there would, doubtless, be no difficulty in inducing the Crown to afford access to the Park. No indication, however, of any willingness to take such a course had been shown by the public.

MR. COWPER said, there was no doubt that the final recommendation of the Committee was, as had been stated by the noble Lord, only carried by the casting vote of the Chairman. The recommendation, too, was not very decisive, because it only expressed the opinion that a communication between St. James's Park and Charing Cross ought to be formed, not at present, but at some future time. The Committee considered, moreover, that the expense of making a road direct from Charing Cross to the Park would amount to £100,000. They entered into the consideration only of the general question whether some such communication would not be convenient to the public at large, without going into the details of any particular scheme or of the expenditure involved. The recommendation of the Committee could not, therefore, be regarded as of a direct practical nature, and that was the reason why it had not been carried into effect. It was unnecessary, he thought, to enter into the general question whether the convenience to the public of affording access to the Park from Charing Cross would be so great as to counterbalance the inconvenience which would be caused by the admission of traffic into St. James's Park. At present it was sufficient to deal with the preliminary question whether there were any funds applicable for such a purpose. It could hardly be maintained that the funds for the improvement of the Park could be made use of, because the work was for the improvement, not of the Park, but of Metropolitan communications. He could not admit that the expense of the alteration would be so small as the hon. Member supposed. The house at the corner of Spring Gardens, which would have to be pulled down, belonged to the Crown, but, according to the invariable practice, it would have to be purchased from the Lands Revenue Department before it could be taken. He had not heard that the Metropolitan Board of Works were willing to provide funds for the formation of this communication. He recommended his hon. Friend to ask the Board whether they were prepared to widen Spring Gardens in order to give public access to the Park in that direction. As to Storey's Gate, it was necessary that the gates should be closed at a fixed hour, and it would be very undesirable to leave them open during the whole of the night.

TAX BILLS—PAPER DUTY REPEAL BILL.

LORD FERMOY said, he rose to ask Mr. Chancellor of the Exchequer whether he intends, in consequence of the Bill for the abolition of the duties on paper having been rejected by the House of Lords, to remit some other tax equivalent to the amount of the paper duties? The present position of the taxpayers of this country, and of the House of Commons, was a very peculiar one with regard to the question of the Paper Duties Repeal Bill, which had just been rejected by the other House. That question involved two different features — the one financial and the other constitutional. As to the constitutional view of the case, he, for one, was prepared at the proper time to go to the utmost length in vindicating the rights and privileges of the House of Commons. The position in which the House of Commons stood before the country with reference to this question was, as he had said, a very peculiar one. The position was not owing to any act of their own, and he trusted that proper steps would be taken at the right time to vindicate their rights and privileges. He, for one, did not at all approve of the course which Her Majesty's Government had thought fit to take with reference to this question. It appeared to him that the proper line to have been adopted by the Government, when the other House rejected a Money Bill, was to have re-introduced the Bill immediately with a different name, and to tack to it Resolutions to the effect that the House of Commons were determined to vindicate their rights and privileges. Instead of doing that the Government had sheltered themselves under a Committee, which had no power to take cognizance of the financial portion of the question, and would only have a very partial power to deal with the constitutional portion. With regard to the financial part of the question —and that was the part to which his question principally referred—he thought it would be seen that the House was in a very peculiar position. The state of the case now was this—that the people of England, in consequence of the rejection of that Bill, were about to be called upon to pay £1,500,000 of taxation, to which taxation their representatives in that House had not agreed—nay, more, £1,500,000 of taxation which the representatives of the people in that House had condemned, and had declared ought to have been repealed. He wished to ask whether the Chancellor of the Exchequer was gratified or disappointed at the present state of things? Having confidence in the sincerity of the right hon. Gentleman's convictions, he believed that he was sadly disappointed, but he thought it right to say that there were many persons throughout the country who were of opinion that the Chancellor of the Exchequer, so far from being displeased at his present position, was rather pleased that he had got more money at his disposal. He thought he was acting rightly in giving the right hon. Gentleman an opportunity of removing that impression. During the debate that took place in that House about two months ago on the question of the paper duties the right hon. Gentleman declared that if the Paper Duties Bill were rejected—[An hon. MEMBER: In this House.] —he would come down before many days had elapsed and ask the House to repeal the war taxes upon tea and sugar. The House was then discussing the financial view of the question, and he would ask his hon. Friend who had reminded him that that promise only referred to the contingency of the rejection of the Bill by the House of Commons, what difference did it make, as regarded the financial view of the question, whether the Bill was defeated in the House of Lords or in the House of Commons? His opinion was, that Her Majesty's Government ought to have come down before two days elapsed to that House to ask them to pass a Bill for the repeal of the paper duties. But, as they had allowed time to pass away, he assumed that they were not prepared to adopt that course. If they were not prepared to adopt that course, he would ask them to consider, not only the injustice which had been done to the Commons of England by this invasion of their rights and privileges, but the injustice done to the people of England in calling upon them to pay £1,500,000 of taxation more than their representatives in that House had declared to be necessary to meet the exigencies of the State. The Chancellor of the Exchequer was in this dilemma—he either thought that the Earl of Derby was right, and that the other House of Parliament was right in the opinion which they had pronounced upon his Budget, but then he was unworthy of the confidence of the House and the country; or he believed he was himself right, but then he was bound

to give the House the earliest opportunity of adjusting the balance, and repealing an equal amount of taxation — of repealing £1,500,000 of the taxes paid by the consumers of tea and sugar, which concerned every man, woman, and child, in the country. He (Lord Fermoy) thought, at the same time, the Government were bound not to shelter themselves under the Committee which was to inquire into precedents — precedents every hon. Member could ascertain for himself in an hour—but that they should come forward boldly and manfully, and vindicate the rights and privileges of the House of Commons. The noble Lord concluded by putting the Question.

Mr. STEUART said, he was not present when the noble Lord the Member for Marylebone gave notice of his question, or he should have been spared the necessity of putting a similar question; but the noble Lord had not alluded very pointedly to the taxes which, now the paper duty was to be maintained, the country would naturally expect that the Chancellor of the Exchequer would propose to repeal. He was not going to follow the noble Lord into a discussion of the constitutional part of the question, and he did not think with him that the Chancellor of the Exchequer was bound to propose another Bill this Session for a repeal of the paper duty. But he did think that if the right hon. Gentleman were resolved to maintain the substantial accuracy of his Budget, without the paper duty, he was bound to invite the House to consider the repeal of the tea and sugar duties. He had referred to the words of the right hon. Gentleman in *Hansard*, and he found that the right hon. Gentleman said he should, in the event of the paper duty not being repealed, invite the House to repeal the tea and sugar duties; but from a subsequent sentence he naturally supposed that the right hon. Gentleman meant the tea or sugar duties, because he stated that it would not be so well to meddle with the tea as it would with the sugar duties. He would not discuss the expediency of remitting the tea duties; but he thought that if there were any chance of a surplus they might repeal the 1*s.* 3*d.* by gradual instalments, spread over two or three years, without any eventual loss to the country, while it would prove of immense advantage to the country. It was the more necessary to discuss the question, considering the view in which agitators out of doors placed it before the country. Those agitators represented those whom they described as selfish aristocrats as anxious not to repeal the taxes on knowledge for the sake of saving 1*d.* or 2*d.* in the pound of income tax. It suited the interests of hon. Gentlemen who wished the paper duty repealed to keep out of sight altogether the tea and sugar duties; but the working classes, who were not entirely their tools, must see that there was diametrical opposition between the Chancellor of the Exchequer and those who were trying to agitate the repeal of the paper duty. They said it was a question between the paper duty and the income tax; but the Chancellor of the Exchequer, in the discussion on the Motion of the hon. Baronet the Member for Somersetshire (Sir William Miles), distinctly stated that, in his opinion, it was a question between the paper duty and the lowering of the duties on tea and sugar; and if it were put to the working classes, he (Mr. Steuart) believed that nine out of ten would prefer the continuance of the paper duty to the continuance of the tea and sugar duties. He confessed that he should be surprised to hear that the Chancellor of the Exchequer would invite the House to consider the repeal of the tea and sugar duties. He thought it much more likely that the right hon. Gentleman would be gratified at a considerable amount of revenue being forced upon him. He thought, however, that the time was come when the Chancellor of the Exchequer should make some declaration of opinion whether the Estimates of a few months ago were likely to be realized. Many people were of opinion that disturbing circumstances had occurred to dislocate those calculations. The Chancellor of the Exchequer was in no way to blame for those disturbing circumstances. One was now very apparent—namely, that the Chinese Government were not likely to accept the *ultimatum*, and that there must be a war. He should be obliged if the right hon. Gentleman would afford him information with regard to the second part of his question. The reduced duty on wines had been in operation for three months. The right hon. Gentleman stated that the loss to the revenue as compared with last year would be only about £515,000, calculating upon an increase of consumption of 35 per cent. It was stated that in the last three months the increase was only at the rate of 6 per cent; and if there were no greater increase in the remaining nine months, the difference between 6 and 35 per cent must en-

tail a much heavier loss than £515,000. Although he did not wish to lead the House into a debate upon a financial question, they had a right to expect to hear from the Chancellor of the Exchequer whether he adhered to the estimate which he made of the amount of revenue; and, if so, whether he would carry out the pledge which he gave to the House upon the supposition that the paper duty was not repealed? He would conclude by asking Mr. Chancellor of the Exchequer whether, having declared, in case of a similar contingency with regard to the Bill for the Repeal of the Paper Duty to what now has occurred, that he should take the earliest opportunity, probably within a few days, of inviting the House to repeal the War Tea and Sugar Duty, he still adheres to that intention; or what contingencies, then unforeseen, prevent such a course? Also, whether he is still of opinion, from the quantities of Wine entered since the lowering of the Duty, that consumption will increase to the extent of 35 per cent, and entail on the Revenue a loss, compared with last year, of only £515,000?

MR. CAVE: As representing to some extent colonial interests in this House, I beg to thank the hon. Member for Cambridge for bringing forward this question. Tea and sugar have much reason to complain of the inconsistency of the Chancellor of the Exchequer. I am not going to quote *Hansard*, for I think that too much time is already occupied in the House by hon. Members elaborately proving what every one acknowledges, that in these latter days statesmen have frequent occasion to change their opinions. But in this case the old love has been thrown over with more than usual heartlessness. The breach of promise has been unusually flagrant; for not only have those interested in tea and sugar been disappointed of their just hopes, but so far from reducing the duty, the right hon. Gentleman has imposed two additional quarters per cent, one without any pretext at all, the other on the pretext of furnishing information which it can never do, and which is already furnished at the expense of the merchants. A duty so oppressive, and involving so much extra account keeping that I really believe for every shilling paid into the Exchequer, another is lost to the taxpayer in increased trouble and risk; tea therefore may well lament that the Chancellor desires to introduce wine into the cottage of the labourer instead of "the cup which cheers but not inebriates." Sugar is differently situated, for I believe its consumption will be increased, in order to render palatable the class of wines likely to be introduced under the Treaty; and this makes it still more essential that it should be purchaseable at a low price. But here I will take higher ground, and here I claim the concurrence of the President of the Board of Trade, and I will say that a tax of this kind is a serious tax upon knowledge. Everything which raises the price of the necessaries of life is a tax upon knowledge. When you see a country, or a portion of the community in a state of gross ignorance, you do not say, "What a tremendous tax there must be upon paper!" but you see that the material condition of the people is low, and that the necessaries of life are scarce and difficult to be procured. Juvenal does not tell us that we should not have had the immortal works of Virgil if tablets had been dear, or if there had been a duty on papyrus. He says, "*Si tolerabile deesset hospitium caderent omnes a crinibus hydri.*" And this corresponds with the ordinary course of experience. When a man earns wages he first satisfies his stomach, he then clothes his back, and if he has any surplus he spends it possibly on his brains; but unless he has that surplus, however cheap you may make knowledge, he cannot avail himself of it. Now, the tax on sugar is so onerous that it prevents its being used for many purposes for which it is essentially fitted. Any one who has been in the West Indies during harvest knows how soon lean cattle are fattened on the refuse of the boiling house. Sugar, were it cheaper, might be used as fodder, which in a season of scarcity of hay, such as this last spring, would be most valuable, and enable the farmer to keep his stock cheaper, sell them cheaper to the butcher, who would sell his meat cheaper, and so the working man would have a much larger surplus to spend on education. But it has been said that the paper duty has been condemned by the House, and how often have not the tea and sugar duties been condemned by successive Chancellors of the Exchequer, and by none more than the right hon. Gentleman himself; therefore, Sir, in the name of those who eat meat, as well as in the name of those who drink wine and tea; for the sake of education, and still more for the sake of his own consistency; I venture to express a hope that the right hon. Gentleman will be able

to tell us that at no distant day he will materially reduce this onerous and oppressive, and except on fiscal grounds, indefensible impost.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have no objection to offer to the criticism of the noble Lord the Member for Marylebone on the conduct of the Government with respect to the appointment of a Committee of this House, nor to the observations of the hon. Gentlemen opposite with respect to the financial proceedings of the Government or their supposed intentions, but I hope I may be permitted, without any disrespect, to be very brief; and, I am afraid also, to be negative in my reply. In what I may say in regard to their observations I must be understood, in a general sense, to make no admissions, and in fact, to offer no reply to their questions. That is the general and invariable rule with respect to the intentions of the Government in matters of taxation, and certainly the reasons which support and vindicate that rule have a double force at this peculiar juncture, when it so happens that important questions of taxation are, at any rate for the moment, inextricably mixed up with other questions if possible still more important than those of taxation—namely, the relation of the rights of the two Houses of Parliament, and the constitutional usages under which legislation is carried on in matters of taxation. The noble Lord seems to be curious about the exact state of my feelings with respect to the vote of the House of Lords. A Chancellor of the Exchequer is not usually supposed to have any feelings whatever, but, however, if I had any on this particular case, I do not think the time has yet come for declaring them. I entirely differ from the noble Lord's criticism, and I think it is the opinion of the House, without at all committing themselves as to what may be right at an ulterior stage of the question, that the Government have taken a becoming and judicious course in remitting it to a tribunal chosen by the House itself to make a careful collection of the facts bearing upon the case, in order that the House may have the fullest information before making up its mind on the subject. With that apology, which I hope will not be taken to be disrespectful, I must say that I am afraid it is not practicable for me to give any promise either as to the remission or non-remission of any particular tax whatever on the present occasion. The hon. Gentleman opposite (Mr. Steuart) is quite right in saying that on the second reading of the Bill I did state that it was the intention of the Government, if that proposal were not accepted by the House of Commons to submit to the judgement of the House a proposal for the repeal either of the tea or sugar duties; but I beg to observe that the contingency I then contemplated has not happened, and, consequently, the situation being totally different, the case in which that question might fairly be pressed upon me has not arrived. As regards that great subject to which the noble Lord chiefly adverted, reserving to myself the right to enter into a discussion of it, if necessary, at the proper time, I am quite content to leave the question where it was left the day before the recess by the declarations of my noble Friend at the head of the Government, and the more detailed declarations of my noble Friend the Member for London. The hon. Gentleman opposite wishes to know whether I still adhere to the opinion I expressed, that the consumption of wine would increase to the amount of 35 per cent, and that the loss to the revenue would not be greater than £515,000 in the first year of the change. It has alway been my opinion—and I believe I have expressed it in this House—that it would be impossible to form any trustworthy judgment on the effect of the reduction of the wine duties until the Wine Licences Bill had passed and had come into operation. It will be not less than two or three months before that Bill comes into practical operation, and I should not feel justified, therefore, in giving now any more confident opinions about the ultimate issue of that great experiment than I gave when I submitted my financial statement to the House. But this I may say, that so far as our present experience goes the results are quite satisfactory, and I have no reason to deviate from the Estimate which was naturally conjectural, but which, such as it was, I ventured to submit to the House.

MR. BRIGHT: Sir, I have listened with pleasure to the observations of the hon. Gentlemen opposite, inasmuch as they have exhibited great affection for the working classes, particularly with reference to the reduction of the duties upon tea and sugar; and, in all they have said as to desirableness of reducing those duties, I am disposed to agree. But I discovered from their observations that either they have not read the debate which took

place in the other House of Parliament, or they entirely differ from their Friends there who took part in that debate. Of course I am aware that the Earl of Derby did not know at all that the hon. Member for Somersetshire (Sir W. Miles) had ever discussed the paper duty in connection with the income tax in this House; and if he was so entirely ignorant of what his Friends were doing here, it is not unfair to assume that his Friends here do not know anything of what he was doing there. Now, if the hon. Gentlemen opposite had observed the debate, they would have discovered—what everybody, I presume, who knows anything of that debate must have discovered—that it was not a question then whether the paper duty was a good or a bad duty, or whether it was a better or a worse duty than the duty upon tea and sugar; but they would have learned that the whole ground of the case is this—that the Chancellor of the Exchequer, supported by the House of Commons, has not provided adequately for the Ways and Means for the service of the year. That was the argument used in the other House of Parliament—and upon that argument almost entirely was based the policy which was adopted of rejecting that Bill. If that be so—and I am not about to discuss whether that argument was rightly founded or not—it clearly is not very reasonable to ask the Chancellor of the Exchequer to introduce some other Bill which shall remit an equal amount of duty—which Bill, I presume, could not become law, upon the new theory of the Constitution, without the consent of the other House of Parliament; and if there be any validity in the argument for the rejection of the Paper Duty Bill—namely, that the House of Commons had not sufficiently provided for the Ways and Means for the year—then clearly that House, upon the same argument, would not only be justified, but would be compelled to reject any new Bill that should be sent up, instead of the Paper Duty Repeal Bill. Therefore, I presume that the House would not expect the Chancellor of the Exchequer to take that course; and I am only surprised that any hon. Member in this House should have imagined such a course was possible. Besides we must take into consideration that although the sugar and tea duties are mentioned in what was called the "Budget speech," yet that now we have got new masters with respect to the question of taxation, the Chancellor of the Exchequer will have to consider much more minutely, and take far more circumstances into his view than heretofore, when he is deliberating what taxes he shall propose to remit, and what taxes he shall propose to impose. The hon. Member for Cambridge (Mr. Steuart) looking in this direction, took the liberty of making some reference to what he calls agitation out of doors. Hon. Gentlemen opposite have not themselves been altogether free in past times from the charge of endeavouring to get up agitations on questions which they deemed of importance to their peculiar interests. But they had always this extreme difficulty in their way, that the causes they advocated, the measures they propounded, the principles upon which they acted, the course they recommended, all have been precisely of that nature that the great bulk of the population of this country utterly disapproved of them, and would not in any way assist them in the promotion of their objects. With regard to this very matter, surely the hon. Gentleman does not wish that a great question like this—one so great that the noble Lord the Member for the City of London thinks there has scarcely been one so grave and important during the period of his political life—that a question so grave shall not be discussed by a people of a free country. Does the hon. Gentleman presume—does he dare to say, or is he so afraid of his own case as to say, that if any hon. Member of this House takes the liberty before any audience of fairly and openly discussing this question, whatever his opinions may be upon it, he is not doing service to the people of this country in enabling them to judge of the facts of this case and the principles upon which the House of Commons may be called upon to act. I should not have been dissatisfied at seeing the House take some more expeditious mode than that proposed with reference to this matter. But I am bound to admit, looking to the past proceedings of the House, and so far as I have been able to examine or learn of them, that the course which the Government have taken is that which has heretofore been followed in similar cases. A Committee has been appointed. That Committee has already sat, and its sittings will be continued next week. Evidence will be taken in a few days, and the whole matter, so far as it can be discovered, will be laid before the House, and I have great confidence that during that time the question

will be more discussed in the country, and more reflected upon in the House. If it should happen that the Committee should report that the course taken by the House of Lords has infringed upon the just, recognized, and constitutional rights of the House of Commons, I confess I should feel ashamed of being a Member of this House if I thought that a large majority of the Members of it would not take such steps as may appear right for the purpose of resisting any such infringement of their privileges and their rights. I do not think that we could commit a greater treason to every branch of the Legislature, to the Crown, to the Commons, and to the House of Lords itself, than to permit a matter of this kind to be passed over as if it were of no importance, and I think the posterity of the existing generation of Englishmen would have reason to look back—with contempt, I will say—upon the Parliament of 1860, if it did not thoroughly sift this question to the bottom, and act in accordance with the principles of the constitution in the defence of those right and liberties, if we find that they have been in any degree assailed.

RELATIONS WITH PERSIA.
RETURN OF SIR HENRY RAWLINSON.

QUESTION.

MR. DANBY SEYMOUR, in rising to ask for an explanation of the circumstances under which Sir Henry Rawlinson had resigned or been recalled from the post of Her Majesty's Minister to the Court of Persia, said that it would be in the recollection of the House that that gentleman had been appointed by the Government which preceded that of the noble Lord the Member for Tiverton, and he had given up a very lucrative appointment on the Indian Council, to proceed, as it was understood, at the special request of the Government, to Persia, where affairs were then in great disorder. It was, consequently, with infinite amazement he read a few days ago that Sir Henry Rawlinson was coming back from Persia, and that his successor had been already appointed. It was believed that the cause was that Sir Henry Rawlinson differed from the policy which Her Majesty's Government wished to carry out in Persia, and had declared that if the old and unwise course characterized as "the bullying policy," which had failed so completely on former occasions, were persevered in, he should be obliged to send in his resignation. It was also rumoured that no answer had been vouchsafed to his despatch, but that directions were at once telegraphed to Mr. Alison at Constantinople to take his place. Looking to the difficulties which had recently arisen, to our relations with Persia from the beginning of the present century, and to the important strides which Russia was making in the East, this question assumed a very grave character. The favourable impression created in Persia by the embassy of Sir John Malcolm and the men who accompanied him—all officers of promise, who afterwards attained the highest stations in their respective departments—still existed in that country. At that time, and down to the year 1835, the selection of officers was made by the Governor-General of India and the Indian authorities, and during that period they had never had a single difference with Persia, and the British name was respected in that quarter. In 1836, however, the Whig Government of the day transferred the control of Persian affairs from the Indian department to the Foreign Office. In two years afterwards the Affghanistan war broke out. Within three years the British Minister, Sir John M'Neill, struck his flag for the first time in Persia, and ever since there had been a succession of embittering quarrels and disgraceful petty disputes. In 1846, when he visited Persia, all the English residents lamented the loss of British influence and the extent to which our Embassy had deteriorated; and he himself found it pleasanter to travel as a Russian than as an Englishman, the British name, during the time that Colonel Shiel was there, not being much respected. But, although the British Embassy at Teheran then exercised very little influence either over the Court or the people of Persia, he found that one Englishman had left such a name among every class of Persian society that a letter from him would have been a passport throughout the whole of Persia. That gentleman was Major Rawlinson, of Bagdad, who was supposed to be gifted with almost supernatural powers, as he could dispute with the Mollahs of Ispahan, could write and speak the Persian tongue, was deeply skilled in the political learning of that country, and had filled with credit the highest posts during a disastrous war. It was due to his singular qualities and deep knowledge of the country that during the insurrection in Cabul the province of Candahar and the southern portion

of Affghanistan were preserved intact. He was not guilty of exaggeration when he stated that there was no European who had made such an impression on the population of Persia, and that not merely on the learned societies or the higher and polished classes, which had been aptly called "the French of the East," but his influence extended to the wild chiefs of Koordistan, who respected him as the best shot and the boldest rider they had ever seen. When he went into their district, in which scarcely a European had before set foot, he was able to tell the genealogy of each chief, and possessed an intimate acquaintance with the customs and early history of the inhabitants. From hearing so much of him in 1846 he was led to ride all the way to Bagdad for the purpose of visiting this wonderful man, and the beginning of a friendship was then laid which he was happy to say had lasted till the present time. Colonel Shiel had remained in Persia from 1846 till 1853, and, although a Company's officer, pursued a totally different policy from his predecessors appointed under the Company's administration; he shut himself out from the Persians and carried on that bullying policy which in too many instances it was unfortunately the habit of England to adopt towards weak nations. On the return of Colonel Shiel at the outbreak of the Russian war in 1854, his successor might have been chosen from men who had served with distinction in Affghanistan or in India, and it was of the utmost importance that the credit of the British name should be maintained in Persia. What, therefore, must have been the astonishment of every one to find Mr. Thompson selected as the Chargé d'Affaires? During the crisis of the Russian war, notwithstanding the opportunity which Persia, from her position on the borders of Russia, had of hampering that great empire, no effort was made to obtain her assistance—we had not even at the time a Minister at Teheran. At that period he gave notice of a Motion, but believing that he did not possess sufficient influence with the House he had not ventured to bring it forward; but seeing what had been the result of the course taken by the Government, and fearing that a similar rule in the selection of officers was again about to be acted on, he felt unable any longer to abstain from the discharge of his duty in calling the attention of the House to a policy which had caused a vast expenditure of blood and money, and might do so again. During the early part of the Russian war England had only a Chargé d'Affaires at Teheran, who, notwithstanding his personal character, never possessed the smallest influence, and, consequently, during the period of his stay in Persia was a mere cipher, while Russia was successful in carrying out her designs. But the example of British Envoys who had gone before was strictly followed in quarrelling about small matters and in striking his flag on the question of protecting a Persian usurer, who was said to be a British subject. At last a Minister was chosen; but instead of being a gentleman thoroughly acquainted with the country, he was a man who had never before set foot in Persia, and was best known to the public by his work on North American Indians. Mr. Murray was selected for the post, though men like Sir H. Rawlinson or Major Edwardes, thoroughly conversant with Eastern diplomacy, could have been procured. It was true that Mr. Murray had smoked a pipe for a short time with Mehemet Ali in Egypt; but no acquaintance with Egypt, where European States are so powerful and Mahomedans so weak, could fit him for a post like that in Persia, where the power of western civilization is not directly felt, and an Ambassador, having to rely on his own resources, requires an intimate acquaintance with the habits, customs, and modes of thought of the people. In a crisis like the Russian war, looking to the pressure which Russia naturally exercises on Persia, the Ambassador chosen by the British Ministry ought not to have been a person who had then to make his first essay in the difficult diplomacy of Central Asia, but one who, like Sir Henry Rawlinson or Colonel Edwardes, was already thoroughly experienced in those matters. The result necessarily was that before he had been six months in Persia, Mr. Murray had quarrelled fully a dozen times with the authorities. Mr. Murray had begun his mission by setting about teaching the Persian King and the Persian people the rules and customs of their own country; and nobody could read the despatches written after his appointment without seeing how unfit he was to fill the position which he occupied. He quarrelled with the Shah and his Ministers because the husband of the sister of the Shah's wife was not allowed to be the agent of the British Embassy and to go to Shiraz; and hence had arisen those miser-

able disputes which gave rise to that ill-feeling between England and Persia for which we had to pay so dearly. Mr. Murray had, however, eventually struck his flag, and the matter had at last got into the hands of an able man—Lord Stratford; the result being that the Persian Envoy had not been at Constantinople six weeks before that nobleman had obtained at the hands of the Persian Government what England, through the medium of Mr. Murray, had failed to secure. We had spent £3,000,000 sterling on the Persian war, nominally because Persia would not give up Herat; but we were informed by our own Envoy at Teheran that the object of seizing that city was to give it up to England in order to purchase peace. When, however, we were squandering the best blood of the nation in prosecuting that war, we seemed to have altogether forgotten that the Shah of Persia was the head of the Sheah sect of Mussulmans, who constituted one-seventh of the population of India, and who regarded him with the same sort of veneration as members of the Roman Catholic persuasion did the Pope. The consequence had been, as was shown by the evidence taken on the trial of the King of Delhi, that he had disseminated proclamations throughout India, and that the combustible matter which existed in that country had ultimately been set on fire. Mr. Murray, when he went back to Teheran, was told that if any proclamations from Persia were found to exist in India, it must be borne in mind that they had been issued during the war, and that the Government of Persia, peace having been concluded, were ready to lend their aid to destroy, as far as possible, the effect of those proclamations. He (Mr. D. Seymour) believed that the thanks of the Foreign Office had been sent out to the Persian Prime Minister for his candour in making that statement to Mr. Murray. Now, seeing the discontent which the conduct of Mr. Murray had excited in Persia, he was of opinion that Sir H. Rawlinson had been most justly and sagaciously selected by the Government of the Earl of Derby to bring about a better state of things. The result of that appointment had been that in a very brief space of time England began to be as much respected as ever in Persia; the favour in which Sir H. Rawlinson was held being so great that the Shah jocularly called him his Prime Minister. At a moment, however, when he was getting on so well he was removed. It might, indeed, be said that he was incurring too great an expense; but when it was considered that we had been paying Dost Mahomed at Cabul £10,000 a month for the last few years, it might well be doubted whether, if Sir H. Rawlinson asked a few thousands a month to make the customary presents in Persia, the money ought not to be regarded as well laid out. He should, under those circumstances, wish to ascertain from the noble Lord the Secretary for Foreign Affairs what policy he proposed to carry out in Persia, and to what cause the recall of Sir H. Rawlinson was to be attributed. He had been informed that the moment Major Taylor and the other Commissioners left Herat, after the treaty had been signed, almost all the stipulations which it contained had become a dead letter there. The Shah had proceeded to coin money in his own name, and to do other acts in defiance of the provisions of the treaty, notwithstanding that we had made war in order that Herat should be independent. He knew that Affghanistan was in a precarious position, Dost Mahomed being an old man; but he would entreat the noble Lord to follow out in its case and in that of Persia the policy which he desired to pursue with respect to the Italians—namely, to allow them to manage their own affairs in their own way. The sound way of acquiring influence in Affghanistan was by means of commerce, which was daily on the increase. He should conclude by asking the Secretary of State for Foreign Affairs to lay upon the Table of the House Papers relating to Sir Henry Rawlinson's recal or resignation.

Mr. Danby Seymour

ENGLISH ARTISANS IN FRENCH DOCKYARDS.—OBSERVATIONS.

MR. H. B. JOHNSTONE called attention to the fact of some hundreds of English artisans leaving our dockyards for the purpose of obtaining employment at Cherbourg, where it was reported that they were paid much higher wages than they received in this country. In the absence of the noble Lord, the Minister for Foreign Affairs, he would defer the consideration of the question until Monday.

CAPTAIN SAUNDERS AND THE BARQUE "CHIN-CHIN."—QUESTION

MR. WYLD said, he would beg to ask the noble Lord, the Secretary of State for Foreign Affairs, if the Government have

been informed by the Governor of Hong Kong of the trial, at the Supreme Court, of Captain Saunders, of the British barque *Chin-Chin*, for the murder of one of the crew of the Custom-house Boats in the Port of Swatow, and if there is any objection to lay the despatch upon the Table of the House? At the solicitation of Lord Elgin, Englishmen were appointed foreign Inspectors at some of the Chinese ports. At the port of Swatow Mr. Lane acted in that capacity, and held a commission from Commissioner How. The barque *Chin-Chin* was lying in the port, and in the middle of the night some of the Custom-house officers demanded to be admitted on board. Captain Saunders, thinking that the parties demanding admission might in reality be pirates, refused their request; and told them that if they persisted in boarding, he should resist. They did so; he resisted, and one of the Chinese officers was killed. Captain Saunders was tried on the charge of murder, but was acquitted; but the owners of the vessel had taken an action against Mr. Lane, the Chinese Commissioner, for the damage done to the barque. This showed the inconvenience of having Englishmen to act in such a capacity. He might add, that he thought that if the noble Lord had given more consideration to the question he had ventured to put to him on a former evening, he would not have given the answer he did.

ITALY.—TORTURE IN SICILY. QUESTION.

MR. DUDLEY FORTESCUE said, he rose to ask the Secretary of State for Foreign Affairs, Whether he is in possession of any information confirmatory of certain statements made in a Pamphlet recently published in Paris, and quoted in *The Economist* Newspaper of Saturday last, relative to the proceedings of the Police Authorities in Sicily; and, if so, whether he has any objection to lay such information upon the Table of the House? The House was, no doubt, aware of the barbarous treatment endured by Neapolitan prisoners, in utter violation of law and justice. The despatches of our own Minister at Naples described how persons of every age and condition of life were dragged from their homes, and thrust into prison, where they languished for years without inquiry, until all recollection of their cases had passed away, and no record remained of the circumstances under which they were apprehended. They were aware, too, that the director of police at Naples exercised an almost despotic sway; and that every commissary under him had his own peculiar species of torture, to which he subjected those whom he might think proper to arrest. Recently a Pamphlet had been published in Paris which threw light on some of these atrocities. He had not been able to provide himself with a copy; but an extract from it had appeared in *The Economist* of last Saturday, which he would read.

"Every commissary, every gaoler," says M. De La Varenne, "has his own method of applying torture. It is revolting to come to details, but they are unhappily exact and confirmed by official authority. The famous Pontillo owes his reputation to the species of torture which he applies in his own Commissariat. He makes the victim sit down in a railed arm-chair, set with razor blades, under which is placed a pan of burning coals. The inspector, Louis Maniscalco, the namesake of the General Director, applies to the accused little iron hands provided with a closing screw. This is called, in the language of the police, 'the angelic instrument.' The gaoler, Bruno, belonging to the Police Commissariat of the odious Carrega (there is a prison in each Commissariat), strips the victim of his clothes and binds his head between his legs. Others employ the torture of the *tourniquet*, drawing a cord with a stick inserted in it tight round the head of the accused till the eyes start out of the head and the skin cracks. Others have recourse to starvation, to blows, to the privation of light and of breatheable air. But the one satellite of the Director General who outstrips all the others is the notorious Captain Chinnici, a robber by profession, and now an officer of police, and rich proprietor. Sent by Maniscalco into the town of Nicosia, in order to discover the assassin of a certain Gorgone (a captain of this district, killed in consequence of incredible excesses of ferocity), from among thirty individuals, thrown into prison on the vaguest suspicion of complicity in this crime, Chinnici chose two, at hazard, to make an example of them, and to slake his thirst for torment. These two unfortunates were Rosario Chimera, and Pizzolo. They underwent the most atrocious tortures, such as the 'silence-hood,' the 'angelic instrument,' hunger, the bastinado in excess, without choosing to confess an action which they had never committed. The police agent then got hold of the wife of Chimera, a young and beautiful woman, twenty-two years old. After heaping on her the most horrible violence, he caused her to be tied naked on a bench, and gave her up to the brutality of his men. She remained there three days in this state, without food, till, half dead, the unhappy woman deposed that her husband had formerly said that he would 'kill the Captain Gorgone.' This evidence, extorted in this manner, is immediately received by a judge sent for the purpose, and Chinnici, delighted at having got his first piece of evidence, returns to the dungeon of the two wretches to tell them the confession of Chimera's wife; and as they persist in their denials, he has recourse this time to a torture of such monstrous obscenity that it is im-

possible to describe it. The victims at last give in and confess all he wishes. Chinnici has them dragged with all the due preparations to the place where they committed the crime, in order to renew to the judge, and before the crowd, the confession of their guilt and their designation of the place where they had stood to fire. But when they found themselves again in the open sunlight and in the presence of their fellow-citizens, a little energy returned to the two martyrs. They lifted up their heads, and with a feeble but firm voice, they proclaimed themselves innocent, and denounced the infamous means employed to torture them. A cry of horror arose, and the police throwing themselves upon them, carried them back gagged to prison. The same torture is again applied. Chimera and Pizzolo confirm their first confession, and are conducted to Catana, the chief town of the province. There the great Criminal Court, seeing the too evident marks of all the tortures they had endured, receives their explanation, orders them to be visited by a commission of physicians, whose report courageously confirmed the sad truth, and, at the risk of involving themselves in a very disagreeable affair with the police, the Judges 'cancel the confession made by the pretended culprits, and proceeding to a new and more regular adjudication, by a sentence passed on the 20th December, 1859, declared the two accused innocent, and ordered them to be immediately set at liberty.' In spite of this solemn decree, the unfortunate men are still kept in prison, by the direction of Maniscalco."

It might be asked, why he brought forward such horrible details, seeing we could do nothing to prevent them. But an expression of opinion by that House carried with it the greatest moral weight all over Europe; and but one feeling of abhorrence must be felt wherever the details of these barbarities were made known. Another advantage would arise, having an important bearing on the subject of discussion a few nights ago, he meant with reference to the subscription now raising in this country in favour of Garibaldi's operations in Sicily. An hon. and learned Gentleman denounced that subscription as an infringement of international law, and took exception to the opinion given by the Solicitor General, that persons contributing to that fund could do so without rendering themselves amenable to the penalties of the law. Now, what the law of the case might be he did not know; but of this he felt perfectly convinced, if the diabolical outrages to which he alluded, were found to rest, not on the doubtful evidence of a foreign pamphleteer, but on the recognized authority of our own Minister, such a deep feeling of sympathy would be excited towards the sufferers, and such a sentiment of indignation against their oppressors, that no dread of consequences, no fancied liability to legal proceedings would deter the people of this country from giving expression to their feelings, by contributing their means and their names also, to a cause which promised to deliver both Sicily and Naples from a state of misgovernment, which was a disgrace to the age. He knew of one instance himself, where a person of no mean weight or authority was so struck by the statement he had read that, after making inquiry in quarters where he thought he should obtain authentic information, and having ascertained that the facts were not exaggerated, he at once handed over £50 to the Garibaldi fund, and authorized the use of his name in furtherance of the collection. He trusted this example would be extensively followed, and that the feeling of this country would not be expended in useless indignation. With this view he would put the question of which he had given notice to the noble Lord.

RELATIONS WITH PERSIA.
RETURN OF SIR HENRY RAWLINSON.

OBSERVATIONS.

Mr. B. OSBORNE: Sir, before the noble Lord rises to answer the questions which have been put to him I wish to say a single word. Perhaps he will have no objection to state to the House the precise position of the Persian mission at this moment. I believe from the year 1835 to about the year 1858 the conduct of Persian affairs was exclusively vested in the Foreign Office; but during the administration of the late Government, by an arrangement between the Earl of Malmesbury and the noble Lord presiding over the Board of Control, the administration of Persian affairs was left to the Board of Control. Perhaps the noble Lord will state whether he has again transferred the conduct of Persian affairs to the exclusive direction of the Foreign Office; because I have some idea that the resignation of Sir Henry Rawlinson is connected with some change of that nature. This is a more important question than the House may at first sight be disposed to consider; because I believe that a great deal of the cause of the Persian war may be ascribed to the conduct of our affairs with that country being exclusively under the conduct of the Foreign Office. I hope the noble Lord will have no objection to state what is the precise position of matters at the present moment, and whether he has re-transferred the administration of Persian affairs to the Foreign Office.

BRITISH TRADE IN CHINA.

OBSERVATIONS.

MR. BUCHANAN said, before the noble Lord replied to the question put to him by the hon. Member for Bodmin (Mr. Wyld) he wished to allude to the appointment of foreign inspectors in the Chinese ports. Now, as it seemed that we were to have another war with China, which he trusted would soon be followed by peace, it was more necessary than ever that British affairs in China should be put on such a footing as would meet with the approval of the British subjects resident there. From what fell from the noble Lord the Foreign Secretary a few evenings since, he seemed to think that there was a perfect concurrence and unanimity in this country in regard to the well working of the present system of inspectorship, but that was by no means the case. He was aware that some persons thought it the best one, but there were very many strong arguments against it. It was certainly a most anomalous state of things that foreign merchants should collect the revenues of another Power and should hand over to its Treasury the funds that might be employed in carrying on hostilities against their own country. He would also call the attention of the noble Lord to the position of Hong Kong. At the present moment that port was a free port; but if this country was to persist in establishing a cordon of Custom-house ports along the whole coast of China, what would be the result as regards our own possessions? Why we should be actually doing our best to destroy the interest of the British establishments in that quarter, and the large amount of British property invested in Hong Kong. It was almost impossible that a complete organization of those Custom-house ports could take place. He doubted whether the Treaty powers would cordially co-operate in that arrangement. The French certainly had but little interest in it either way; but it was the opinion of those connected with the Chinese trade, that the Americans were very unwilling that the system should be adopted. At Shanghae they had declined to become joint assessors, and at Canton had also raised difficulties, in fact, had refused altogether. At Swatow the same objections were raised. He could not, therefore, conceive it possible that a full system of Custom-houses, with European inspectorship, could be introduced along the coast of China. But if it were not a complete system, the duties would be charged only at the regular ports, and smuggling would be encouraged at other points to the detriment of legitimate trade. He certainly hoped that the noble Lord at the head of the Foreign Office would give the subject his full consideration, and take the opinion of those who were most competent to form one, before adopting the system as if it were universally approved of.

LORD CLAUD HAMILTON said, he wished to say a few words in consequence of the disparaging remarks which the hon. Member for Poole had made against a deserving public servant. In the course of his historical sketch of our relations with Persia the hon. Member came to the name of Mr. Murray, and asked who he was, at the same time answering his own question by saying that he was a gentleman known to the public only through his having written a work upon North America.

MR. DANBY SEYMOUR: I said he was best known to the public by that work—not that he was known only by it.

LORD CLAUD HAMILTON said, that neither of these disparaging descriptions was justified by Mr. Murray's previous career. Mr. Murray was a gentleman of extreme ability, talent, and energy, who had filled several situations of trust and responsibility, and he had always discharged his duties in a manner that gave complete satisfaction to those who appointed him. Was the hon. Member not aware that Mr. Murray was for a considerable period Consul General at Cairo—an office of very great importance, which brought him in direct connection with Constantinople, and commanded the key to all that was going on both in Persia and India? Than such a situation there could be no better training school for the high diplomatic employment which that gentleman had since obtained. By his acquirements as a linguist Mr. Murray was also eminently qualified for the position he had held. With respect to the transactions connected with the late war with Persia, his conduct might or might not have been prudent. The matter had, however, been fully sifted in that House at the time when the hon. Member for Poole was himself in office; and, as the hon. Member did not then raise his voice against these transactions, he left it to be inferred that they had his fullest approval. Having had the privilege of Mr. Murray's acquaintance for thirty years, he trusted

the House would excuse the few observations he had made.

MR. DARBY GRIFFITH, as a personal friend of Mr. Murray, also wished to say a single word in his behalf. (*Cries of "Spoke" when the hon. Gentleman resumed his seat.*)

THE CHRISTIANS IN TURKEY.

QUESTION.

MR. SEYMOUR FITZGERALD: The noble Lord the Foreign Secretary has so many very important questions to answer as to affairs in different parts of the world, that I would have postponed the inquiry which I now wish to address to him had it not been intimated that this would be a convenient opportunity for giving the House some information on the subject to which I am about to call his attention. A question was some time ago asked in this House by the hon. Member for Southwark (Mr. John Locke) with reference to an incident that took place at St. Petersburgh. The statement made was that the Russian Minister for Foreign Affairs had called together the Ministers representing England, France, Austria and Prussia, omitting the representative of the Sultan, and had expressed to them the opinion of the Imperial Government that the time had come when representations ought to be made to the Turkish Government with reference to the condition of the Christian subjects of the Porte, and more particularly with respect to the fulfilment of the promise given by the Sultan for the enforcement of the Hatti-Humayoun in favour of the Christians. When we remember what for a length of years has been the policy of the Russian Government with reference to that subject, and particularly when we recollect that it was a question with regard to it which gave rise to the Russian war, I think that the adoption of such a course as this by the Russian Government is an incident calculated to cause anxiety to all who are watching the course of events abroad. It becomes a matter of still greater moment when we recollect that the interference suggested by Prince Gortschakoff is hostile not only to the spirit, but even to the letter of the treaty of peace by which the Russian war was concluded. In reference to a matter of so much gravity it is important that we should know, not in the loose manner in which it was stated some time ago, but precisely and definitively, exactly what the communication of the Russian Government was. I wish to know from the noble Lord exactly the terms in which this communication was made to the Ministers of the Four Powers by Prince Gortschakoff at St. Petersburgh. I should also be glad to know whether that communication has been repeated to him by the representative of the Russian Government in this country, and, if so, whether it was repeated in writing, and what were the exact terms in which it was made. The next point to which I wish to call the attention of the noble Lord is one of not less importance—namely, the course which it is said has been pursued, or is likely to be pursued, by the French Government with reference to the same question. This, I know, is delicate ground, and I will therefore not discuss the question whether it is probable that such a communication would have been made by the Russian Government unless there had been some understanding between the Imperial Courts in the first instance; but I cannot forget that not very long ago Prince Gortschakoff stated that it was possible that engagements—written engagements—might subsist between the Court of France and that of St. Petersburg, but that all that he could undertake to say was, that no English interests were menaced by those engagements. I only allude to this because it marks the extreme importance of our knowing exactly the course which the French Government have pursued, or propose to pursue, with reference to this delicate question. I shall therefore be glad to hear from the noble Lord whether he has had any correspondence with the French Government on the subject, and of what nature that correspondence has been, so far as he feels himself at liberty to communicate it. When a question was asked of the noble Lord with reference to this subject a short time ago by the hon. Member for Southwark, he stated that the Minister for Foreign Affairs at Paris, M. Thouvenel, had expressed an opinion, that if any such representation was made at Constantinople it ought to be made by the Five Powers, and not by Russia alone, as the adoption of the latter course might place that Power in the position which she occupied before the war, of claiming to be the protectress of the Christian subjects of the Porte. I will only remark that I cannot but think that such an interference as that on the part of the Five Powers would be quite as contrary to the spirit and letter of the Treaty of Paris

as the original proposition made by Prince Gortschakoff. I wish further to ask the noble Lord whether he has communicated upon this subject with the Courts of Austria and Prussia, and whether he feels himself at liberty to state the views entertained by those Courts upon this question. My next question is the most important of all. It is whether the noble Lord can inform us what answer he has thought it his duty to return to the proposition made by Prince Gortschakoff to the English Government. It is possible that the noble Lord may not think himself at liberty to communicate the exact nature of that answer, and, if so, I should be the last person to press him unduly for it. This, however, I think I may say, that there are two points upon which it is most desirable that the noble Lord should either here or in his despatch express a decided opinion. One is that Prince Gortschakoff suggested, that a representation should be made by the Five Powers to the Turkish Government with reference to the policy of the Sultan as to the enforcement of the Hatti Humayoun, is contrary both to the letter and to the spirit of the Treaty of Paris. On another point, also, I should be glad that the noble Lord should express a decided opinion. A proposition has been made that this question should be investigated by the Five Powers through the medium of their consular agents in the East. Now, I know that it was the opinion of the late Government, and is that of those whose experience of Turkish affairs give every weight to their opinion, that no more dangerous course could be adopted than one which would afford encouragement to the consular agents of the European Powers to act in such a manner as would interfere greatly with the prestige of the Turkish authorities in the internal arrangements of Turkey itself. That is the opinion of our representative at Constantinople, and I have good reason to know that he has expressed that opinion in the strongest manner to our consular agents throughout the Turkish Empire; and I should very much regret that the sanction of the noble Lord should be given to any proposition whatever by which the consular agents of the various European powers should be encouraged to make these inquiries as to the condition of the Christian population, and should thus be placed in a position to destroy the prestige of the Turkish authorities, and to interfere with the arrangements of Turkey in a manner which would be conducive neither to our interests nor to those of the Ottoman Empire. There is only one other subject to which I wish to call the noble Lord's attention. There is, I am aware, in the Foreign Office a despatch, written either by Mr. Alison, during the time that he was Chargé d'Affaires at Constantinople, or by Sir H. Bulwer, with reference to the fulfilment of the Hatti Humayoun. In that despatch it is pointed out how far the Hatti Humayoun has been carried out, in what respect it would be beneficial that further advances should be made in that direction, and how some portions would be rather more hostile than favourable to the interests of the Christian population; and there is also in it a statement of the difficulties which the Turkish Government would have to encounter in carrying out the promise which they gave to the Powers in the Treaty of Paris. I should like to know whether the noble Lord will feel himself at liberty to place that most valuable document upon the table of the House along with any other correspondence upon this subject.

Lord JOHN RUSSELL: I will endeavour to answer the various questions—and they certainly are very various—which have been addressed to me; and, perhaps, if I should omit to answer any of the inquiries which have been made by the right hon. Gentleman who has just sat down, he will have the goodness to remind me of it before I conclude my observations.

The first question, relating to Persia, was put to me by my hon. Friend the Member for Poole (Mr. D. Seymour), and is connected with another which was asked by my hon. Friend the Member for Liskeard (Mr. B. Osborne). In the first place, I should say that the story which my hon. Friend the Member for Poole (Mr. D. Seymour) has heard, that there were differences of opinion between Her Majesty's Government and Sir Henry Rawlinson as to the policy to be pursued in Persia, and that in consequence Sir Henry Rawlinson has been recalled, is altogether fabulous. Sir Henry Rawlinson is a very able man, and exceedingly well acquainted with the East. The influence which he exercised in Persia was very considerable, his policy was entirely approved by Her Majesty's Government, and I was in hopes that he would have continued to discharge the functions of Her Majesty's Minister in Persia. The cause of his return is that to which my hon. Friend the Member for Liskeard (Mr. B. Osborne) alluded. My

noble Friend at the head of the Government, on finding that the affairs of Persia had been committed to the Secretary of State for India, inquired of my right hon. Friend (Sir C. Wood) and myself what we thought of that arrangement. We both said that we were ready to abide by his judgment, and either to continue the arrangement as it stood when he took office, or change it. My noble Friend, after taking some time for consideration, said that he thought the chief part of the business in Persia, though there is other business, no doubt, connected with India, was to settle and carry on the relations between Persia and this country and Russia. That certainly is the case so far as my experience goes. Questions do arise between this country and Persia, and between Persia and Russia, and if there is a question between Persia and Russia, the English Minister is asked his opinion upon it; and whenever there is a question between Persia and England, the Russian Minister is consulted. My noble Friend, therefore, came to the decision that it was better that the Persian mission should again be placed under the Foreign Office. I accepted that responsibility, and I was then certainly in hopes that Sir Henry Rawlinson would have remained in charge of that mission. Not long after the intelligence that the change was about to be made had reached Persia, however, a gentleman in the Foreign Office informed me that he had received a private letter from Sir Henry Rawlinson, telling him that as soon as the change was officially announced—and the official announcement had at that time gone out—he should resign his office and come home. I do not know that I should fairly represent his objections if I attempted to do so; but I believe that they turned chiefly upon the difference between the mode of conducting business in the India and in the Foreign Offices, and one of them certainly referred to the greater latitude allowed by the former in giving presents, which had never been permitted by the Foreign Office. After a time, Sir Henry Rawlinson informed me by a private letter that he had sent in his resignation, and at the same time I received his formal resignation of his office. I did not think it was desirable that he should remain in Persia after it was known that he was about to resign, and I, therefore, immediately advised Her Majesty to accept the resignation of Sir Henry Rawlinson, and to appoint in his place a gentleman whom I have never had the good fortune to see, and with whom I have no acquaintance whatever, but a gentleman who has been long in the diplomatic service in the East, whose despatches (when he has been in charge of the Embassy at Constantinople) and Reports I have often had occasion to receive, and whose intelligence I have admired—Mr. Alison. The hon. Gentleman will, therefore, see that Sir Henry Rawlinson has not been recalled—that he sent in his own resignation, and that for reasons which, although satisfactory to his own mind, I cannot but regret, he no longer serves the Queen in Persia. Our Persian policy is easily explained, and it has none of the characteristics attributed to it by the hon. Gentleman. It is to maintain the integrity and independence of Persia, but at the same time to recommend the Persian Government not to make aggressions upon other independent States. To that advice the Persian Envoy here has willingly assented, and the relations between the Shah of Persia and Her Majesty are of the most friendly nature. There is no question which we wish to press upon the Persian Government, or to coerce them about. Our interest is merely to maintain their authority, and to give them such advice when we are asked as may conduce to the maintenance of their independence. There is, however, one point upon which our opinion may perhaps be deemed peculiar. It is natural there should be and from time to time there has been a sort of rivalry between Great Britain and Russia in Persia. The effect of this has been that the supporters of Great Britain have always some story of oppression on the part of Russia, and those who are in favour of the Russian interest are in the habit of going to the Minister and even to the Sovereign, and informing them of some misdeed on the part of Great Britain. I confess I have thought it best to discourage that rivalry, and when I have had occasion to write to St. Petersburg, and to speak to the Russian Minister here I have always said that, provided we found Russia maintaining the independence of Persia, we were quite willing to join with her in giving the same advice; that we had no interest in Persia specially directed against Russia; that our only object was to support the Persian Government, which was always weak, and often threatened with internal dissensions; and that we trusted Russia would act in the same spirit with us. The answers we have received from

Russia have tended to show the same disposition, and therefore we have every reason to believe that the course of the Persian Government will in future be more equable than it has sometimes been.

The next two questions relate to China. I am informed that no despatch has been received at the Colonial Office with respect to the trial of Captain Saunders for murder. With regard to the appointment of inspectors, I am inclined to think that the hon. Member for Glasgow supposes that I have given a more distinct and decided approbation of that arrangement than I intended to give. It certainly is a very anomalous system that foreigners should be put in the collection of the revenue of China; but the Earl of Elgin and others have said that there is a great deal of bribery and favouritism in the Chinese Custom-houses, and that the appointment of a few foreign inspectors would tend to put an end to many abuses and give greater confidence to merchants. I have not given to the new system that decided and unqualified approbation which the hon. Member for Glasgow, Mr. Buchanan supposes, but I think it is one which ought to be tried, and that in the meantime we should refrain from approving or condemning the system.

An hon. Gentleman (Mr. D. Fortescue) has asked me some questions with respect to Sicily. He must be aware that the pamphlet which has been published is one to which we can give no authority. It rests entirely upon the responsibility of the gentleman who has put his name to it; but I am sorry to say there are in the Foreign Office reports from our Consuls—two or three in 1857, one which I hold in my hand dated the 24th of July, 1859, and some others—giving an account of cruelties, and even of torture, practised by the police of Sicily. The subject is a very painful one, and I do not wish to go through the details of it; but there are accounts given by our Consuls of men who have come themselves and stated to our representatives that their wrists had been fastened together, that they had been gagged with an instrument called the "cap of silence," and that they had suffered various other inflictions which may be properly described as torture. I have no doubt that these things, together with other circumstances, have brought Sicily to its present state—a state, let me add, which to those who have known what the Government of the King of the two Sicilies has been for some time past cannot be at all surprising.

I now come to the very important questions which have been asked by the hon. Gentleman the Member for Horsham (Mr. S. FitzGerald). Perhaps the best way of answering those questions will be to give a complete account of what has taken place at St. Petersburg and elsewhere with respect to the affairs of Turkey. The hon. Gentleman has alluded to what took place at the end of May. But before that, at the end of April, the Minister for Foreign Affairs at St. Petersburg, Prince Gortschakoff, informed the Turkish Ambassador at the Court of Russia that the accounts which which were received from the different Christian provinces under the Sultan, especially from Roumelia, Bulgaria, and Bosnia, showed such sufferings and at the same time such exasperation on the part of the Christian subjects of the Porte as might lead to an insurrection, and he added that if an insurrection should take place, and if it should produce massacre on the part of the Turkish troops, the Emperor of Russia would not remain a tranquil spectator of events. The Turkish Ambassador immediately sent an account of this conversation to Constantinople. A few days after that intimation a despatch was written to Paris to the same effect, and on the 5th of May the Ministers of the Five Powers were assembled at the office of Prince Gortschakoff, in St. Petersburg. Prince Gortschakoff began by making the same statement which he had made to the Turkish Ambassador and written to Paris. After a good deal of discussion three propositions were drawn up by the French Minister in the presence of the meeting, and were so far agreed to that the different Ministers said they would send them to their respective Courts. The first of these propositions was that the present state of the Christian provinces in Turkey had become intolerable; the second, that an inquiry should be made, such inquiry to be conducted by the officers of the Sultan, assisted by the Consuls of the five Powers; and the third, that the Hatti-Humayoun having failed in securing to the Christian subjects of the Porte that toleration and tranquillity which it was intended to produce, it would be necessary to have a new organization for the government of the Christian provinces. Nothing, it will be seen, could be more important than these different propositions. After receiving

them we said, with respect to the first, that Her Majesty's Government had not received any such accounts as entitled them to say that the present state of the Christian provinces was intolerable. The House is aware that we can at no time speak with any great approbation of the Government of the Sultan in the interior of his dominions. We can hardly speak of it much more favourably than we can of the government of the King of the Two Sicilies; but, at the same time, we have no accounts showing to us that there has been that which the Government of Russia has from old times always laid peculiar stress upon—misgovernment and oppression, especially as regards the Christian subjects of the Porte. I have not only read carefully the different reports which have been received, but I have conversed with persons who have come from the Christian provinces of Turkey, and who have been engaged in the service of Her Majesty in one capacity or another, and they have invariably said to me that it is impossible to praise or to defend the details of the Turkish Government, but that the Christian subjects of the Porte are not the victims of any peculiar oppression; that their Mahomedan countrymen are quite as great suffererers from the irregularity of the Government. With respect to the third proposition, that of a new organization of the Government of those provinces, we said it was quite impossible we could agree, whether with reference to general principles or with reference to the Treaty of Paris of 1856, to a new organization of the Turkish empire. The House will recollect that the 7th Article of the Treaty of Paris guarantees and respects the integrity and independence of the Turkish empire. The 8th Article declares that if at any time dissension should arise between the Sublime Porte and any one of the Powers who signed the Treaty with respect to the interpretation of its articles, which might threaten a disturbance of pacific relations, neither the Sublime Porte nor that Power should have recourse to arms without endeavouring to obtain the mediation of the other Powers for the purpose of procuring a peaceful settlement of the difference. The 9th Article records that the communication of the Hatti-Humayoun is the spontaneous act of the Sultan, and goes on specially to declare that the contracting Powers acknowledging the importance of that communication record them, understanding that in no case it gives to the Powers the right to interfere collectively or respectively in the relations between the Sultan and his subjects, or in the internal administration of his territory. Now, the treaty being so positive in that respect, nothing but extreme urgency, insurrection, or the determination of a foreign Power, in spite of the treaty, to take the part of the insurgents and make war on the Sultan, would, I think, justify the other Powers of Europe in at all interfering in the internal government of Turkey; but, on the other hand, after such a declaration on the part of so great a Power as Russia, having, as we know, so much influence with the Christian subjects of the Sultan, which not only she does not disavow but has always professed and boasted that she holds, it would not be prudent to remain aloof and say that we do not concern ourselves upon that matter. We, therefore, consulted with other Powers, and at the same time expressed our own opinion that while we could not consent to the first and third proposition, yet it might be proper to make inquiry with respect to the present state and government of the Sultan's Christian provinces; but that that inquiry ought to be made by the government of the Sultan himself. The Austrian Government, in the same spirit, said that their object was to maintain the independence and integrity of Turkey, and, at the same time to procure, by their influence and by that of the other Powers, a remedy for grievances which tend to provoke resistance and insurrection. The answer given by Prussia was not very different, though, not having consuls and agents spread through Turkey, she declared that she required further consideration before expressing her opinion as to the present state of the Christian provinces of Turkey. The Government of France has appealed to us to know what is our opinion on the subject, and M. Thouvenel stated that from his personal knowledge of Turkey he was aware that very great abuses and misgovernment prevailed there, and he thought that remedies might be pointed out which, while they provided securities for the European subjects of the Sultan, would give greater strength and stability to the Turkish Government. The opinion of a man of his ability and experience in Turkish matters must be allowed to have weight in the consideration of any remedies. At the same time he declared that any inquiry that should be made ought to be made with the greatest regard to the authority

of the Sultan, and ought not to have the appearance in the slightest degree of impairing or shaking the Sultan's authority. Our opinion with respect to that point is of the same kind. We said that if it appeared to the Sultan that the Consuls or other Agents of the Christian Powers, might participate in the inquiry, we should be ready to take that view, but that if the Sultan, on the other hand, thought they could not participate in the inquiry without diminishing his authority, we were not ready to press a point of that kind upon an independent Sovereign whose authority we wished to maintain and were bound to support. Sir H. Bulwer, whose influence I must say here, by way of parenthesis, has always been exerted with the wish to maintain the authority of the Sultan, and increase the welfare of the people of Turkey, who has always, in my opinion, taken the most judicious means to effect those purposes, and by the mode in which he has given his advice, has obtained great influence with all the Turkish Ministers who have been successively in power, thought it was advisable to have the inquiry, but to have it by means of the Sultan's own officers. There has lately been a change in the Turkish Government. Redschid Pasha, who formerly held the office of Grand Vizier, is reinstated in that position; and the French Minister at Constantinople advised that the Grand Vizier should in person visit Roumelia, Bulgaria, and other places, with full authority from the Sultan to punish those guilty of outrages and establish such remedial measures as might be calculated to remove the evils complained of. In that advice the British and Russian Ambassadors concurred, and we have yesterday and to-day learned that the measure has been adopted; the Turkish Ambassador having communicated the intelligence that the Sultan willingly adopted the advice which has been tendered, and the Turkish Grand Vizier is to exercise those powers without any control or interference on the part of the Representatives of European States. I conclude that, as the Russian Ambassador has assented to the plan, the Prussian Government will very likely be also ready to assent to it. I cannot say what the effect of the proceeding will be, but it is one which preserves unimpaired and undiminished the authority of the Sultan, and likewise gives hope for the future. Of course, no man would be bold enough to say what may be the future course of the Turkish Government or the future destinies of these Turkish provinces, but I cannot but believe, from all I have observed, that there has been a considerable change of late years and for the better. Sir H. Bulwer declared that since he has known the country there has been a considerable improvement, greater anxiety being shown by the Government for the due execution of justice and the due observance of all the rules of good administration. Still, he was dissatisfied with the present state of things. Though this proposal of the Russian Government at first appeared to contain in it something derogatory to the authority of the Sublime Porte, yet, as at present arranged, I hope there will be no dissension among the Powers of Europe with respect to it; for if ultimately we have to give advice to the Porte I believe we may do so in such a way as not to offend the just pride of an independent Sovereign, and finally that the advice we give and the remedial measures we suggest will be such as to benefit the population, and promote the stability of the Sultan's throne.

TRADE COMBINATIONS.

QUESTION.

MR. HUBBARD said, he rose to ask the Secretary of State for the Home Department, Whether his attention has been called to the renewed agitation of the Metropolitan Operatives for a diminution of the time of labour to nine hours; and whether the Government will be prepared to protect independent labourers against the coercion and violence practised towards them on a former occasion, should similar illegal proceedings be attempted by the men on strike. He had no objection to legitimate combinations carried on by fair means; but the agitation from which the Metropolis had but scarcely recovered was of a different character. It professed to be founded on the circumstance that the introduction of machinery had lessened the demand for manual labour, and instead of offering more labour for the same price the operatives proceeded to offer less; in other words, they demanded ten hours' pay for nine hours' labour. The absurdity of this proposal ensured its failure; but in the attempt to carry it out the society men resorted to coercion and intimidation against the more rational and independent workmen. Workmen who did not join the unions were abused, illtreated, their tools were stolen from

them, and in some instances they were compelled, in self-defence, though against their will, to join the forces of the rebellious labourers. That was a state of things which deserved the serious consideration of the Government, and summary means should be taken for the future to protect workmen who wished to maintain their independence. He entertained no distrust of the natural good sense and good feeling of English labourers generally; but the very honesty of their nature made them peculiarly liable to deception by the persons who professed to advise and to guide them. The nature of the rules drawn up for adoption in trade societies was such that no one could be astonished at the results which had developed themselves. The Friendly Society of Masons, for instance, was one of the most powerful and most advanced of these societies; and one would, therefore, expect to find in their rules nothing inconsistent with sound principles of general policy. But in the preface to their rules the following sentence occurred: —

> "As no degree of human happiness can possibly exist without society, it is the great principle of the Friendly Society of Operative Masons to bring into force among its members the truly valuable object of self-protecting power against the selfish and unprincipled proceedings of the capitalists."

Now, when he read an assertion so utterly at variance with common sense, sound principle, and proper feeling, he could not but entertain considerable suspicion as to the rules which were to follow. In point of fact, he found this compilation to be not only a code of Friendly Society's rules to which allegiance might properly be given, but also a code regulating the action and proceedings of the members in all their relations with their masters, and amongst other matters containing a chapter on strikes. These strikes were not only advocated for the purpose of promoting the interests of workmen, but as an instrument of attack on masters when, by their selection of other than Society men, or by giving piecework, they incur the opposition of the Society. He was not surprised that, with such rules before them, workmen were apt to confound the obligations which, as members of the Society, they might properly observe, and those rules which he believed to be most illegal. He ventured to think that some notice should be taken by the Government of the illegality of these documents, seeing that the rules were not certified under the Friendly Societies Act. During the existence of the strike last year, Mr. Potter, the Secretary of the United Trades Association, encouraged the men in their resistance to the authority of the masters by assuring them that, with the exception of the master builders, every person of position, influence, and wealth, sympathized with the operatives. A more unfounded assertion never was made, and it was so far from being true that you could find no man of intelligence, whatever might be his position, who did not entirely condemn proceedings so illegal in their character, so detrimental to the public at large, and so injurious to the prospects of the operatives, and the interests of their suffering families. It seemed that they were about to witness a renewal of those miseries; but he hoped the Government would feel it their duty to interfere to protect honest and rational workmen in carrying their labour where they pleased, and to warn those who, perhaps from ignorance of the law, were, he feared, about to break the law.

SIR GEORGE LEWIS: The fact to which the hon. Gentleman has referred—namely, that the building trades of London contemplate a renewal of the strike of last year—is only known to me by the ordinary means of intelligence open to every Member of this House. No communication has been made to the Metropolitan police upon the subject, nor has their assistance been in any way applied for. With regard to the statement which has been made that violence and intimidation were practised in the strike of last year, there is no doubt that it is, to a certain degree, well founded. But the general character of the strike was an abstinence from violent measures. No doubt some exceptions did occur, and I believe some cases were brought before the magistrates. What the results may have been I do not at this moment remember; but I think I am borne out in saying that, considering the length of time during which the strike lasted, and the large number of persons engaged in it, its general character was an abstinence from violent measures. I have inquired of the Commissioners of Police and I am not aware that in any instance they failed to afford assistance when applied to on the part of persons who were threatened or intimidated, and I am also informed that the Commissioners of Police are not aware that any

complaints were made of any want of assistance upon their part during the continuance of the strike. I will only say, upon the general question, that I conceive it to be peculiarly the duty of the Executive Government to hold itself perfectly impartial with regard to these unfortunate occurrences, for unfortunate I must consider them. I think experience has shown that the policy of strikes is one which, in the long run, and upon general experience, is eminently disastrous to the working classes themselves; therefore I look upon an occurrence of this sort as disastrous. At the same time I shall feel it my duty, as a Member of the Executive Government to hold the balance with a perfectly even hand between the two contending parties, looking to no other principle than that of maintaining the ascendancy of the law, and of preventing, so far as is in our power, intimidation and violence. Before I sit down I will call attention to the fact that a Committee of this House has been sitting during the present Session upon the state of the law as between masters and workmen. That Committee have made recommendations, one of which is, that a Bill should be brought in to enlarge the facilities for arbitration between masters and men upon the occasion of strikes. I cannot say that I am myself very sanguine of the success of any such measure; but the proposal will come under the consideration of the House, and if any hon. Gentleman has any proposal to make for the Amendment of the existing law, that Bill will afford a favourable opportunity for its consideration.

Motion *agreed to*. House at rising to adjourn till *Monday* next.

The Order of the Day being read, for the Committee of Supply;—On Motion that Mr. SPEAKER do now leave the Chair—

THE CHINESE WAR.—QUESTION.

QUESTION.

SIR HENRY WILLOUGHBY said, he would beg leave to ask the Secretary for War, Whether he had any objection to produce an Estimate of the expenses to be incurred in the China war. It was now quite clear that this country was in for a war involving very considerable outlay, and it would be desirable for the information of the House that it should at least have an outline of the expenses, so far as they could be ascertained. There would, he thought, be no difficulty in framing an estimate, giving the probable expenditure on account of the naval and military forces engaged, of transports, stores, the Native forces which would be despatched from India, and the increased pay and allowances to which soldiers and sailors were entitled when serving in that part of the world. There could be nothing more affronting to the House than to ask it to vote vast sums of money without its knowing the manner in which it was to be expended. He wished to know if the right hon. Gentleman had any objection to lay on the table an Estimate of the probable expense of the expedition to China?

THE GUARDS.—QUESTION.

MAJOR STUART KNOX said, he would beg leave to remind the right hon. Gentleman the Secretary for War that he had omitted to answer the question which he had put on the previous evening, as to whether, when the command of the brigade of Guards fell vacant, it was intended to fill it up again? The right hon. Gentleman, in answering the multiplicity of questions put to him, appeared to have overlooked that.

THE WARRANT OF 1858.

QUESTION.

COLONEL SYKES said, that he wished to state that, with reference to the Report of the Commissioners appointed to inquire into the defences of the Colonies, he thought that the Government had done injustice to two of the distinguished civilians who had been engaged in that inquiry, namely, Mr. Godley and Mr. Hamilton; their recommendation being that the allowance made by the State should be in proportion to that provided by the colony, and not that the Colonies should be left wholly to their own resources in providing means of defence. He would also urge that the claims of those officers who retired under the general warrant of 1826 upon the captain's half-pay, taking the step in rank, had not been fairly considered. Many of them were still living upon the captain's half-pay, though there was at least an implied pledge in the arrangement under which they retired from active service that they should have the advantages of increased pay as they succeeded to the higher ranks by seniority, equally with their contemporaries.

SYSTEM OF ENLISTMENT.

OBSERVATIONS.

Mr. H. B. SHERIDAN said, he wished to call the attention of the Secretary for War to the manner in which recruiting sergeants pursued their avocations. It was said that the British Army was an army of volunteers, but it was the common practice of the persons who were employed as recruiting sergeants to entrap young boys under age and unfit for the service, and under the influence of liquors induce them to enlist. He was acquainted with a case in which one of those persons, who were perpetually wandering about the streets of the Metropolis for the purpose of snapping up volunteers for the army, drugged a youth under sixteen years of age, and induced him to give a false name to the authorities before whom he went to have his enlistment properly attested. The youth was dismissed by the examining surgeon as unfit for the army. Within a few days after, he believed, the same person induced the poor child to submit himself at another depôt for examination, and, he believed, the same surgeon who, six or seven days previously, rejected him as unfit, certified that he was fit for service in the army. He wished to know whether this system of entrapping and drugging youths had the sanction of the Horse Guards and was pursued by all recruiting officers, and whether the army was composed of persons who had been caught by these underhand means. Would the right hon. Gentleman give a guarantee that children who wandered from their parents should not be entrapped into the army by persons who had the sanction of Her Majesty's principal Officers of State?

Mr. SIDNEY HERBERT said, he had to state, in answer to the hon. Baronet (Sir H. Willoughby), that not only had he no objection to lay an Estimate of the expenses of the War with China on the table, but it would be his duty to do so. It would be necessary to bring forward such an Estimate, as it would be obviously impossible to meet the expenses of the war in which we were unfortunately involved with China without a Parliamentary Vote.

With regard to the question of the hon. and gallant Officer (Major Knox), the facts of the case were these:—Formerly the command of the Brigade of Guards was taken in turns by the field officers in waiting—namely, by the Lieutenant-Colonels of each of the three regiments. That course, no doubt, produced bad results. There was a constant change of hands, and along with it often a change of system. It was represented by Sir Colin Campbell (now Lord Clyde), when Inspector of Infantry, that the officer in command had so little acquaintance with the interior economy of the Guards, that, though he could inspect them on parade, he was not acquainted with their interior financial arrangements, which, as was well known, differed in many respects from other regiments. Therefore, an officer was appointed to command permanently the Brigade, which the House knew was much larger than Brigades usually were commanded by Brigadiers in England. He believed that was the state of the case.

Colonel LINDSAY said, he rose to explain that the right hon. Gentleman was not quite accurate in his statement. Lord Panmure when at the War Office divided the whole army into brigades, the Guards being constituted a brigade under the command of a brigadier. Sir Frederick Love, who was now the Inspector of Infantry, was the inspector of the troops over the whole country, and he had nothing to do with the internal economy of the regiments.

Mr. SIDNEY HERBERT said, he apprehended that the duty of the Inspector General of Infantry was to inspect every portion of the infantry of the British army. [Colonel Knox intimated that he never inspected the Guards.] No, but he could; and, in the same way the Inspector of Cavalry had been sent to inspect the Guards. The opinion of Lord Clyde was that, from the peculiar organization of the Guards, there ought to be a Guards' officer to inspect them, and that arrangement was made. What might be done in future he was not prepared to say. It was a subject that must come under the consideration of the military authorities.

The gallant Officer behind him (Colonel Sykes) complained that last night the Report made by the three civilian officers on the Colonial Military Expenditure had been received by the Government in a very unfriendly spirit. The hon. and gallant Member was not present in the House when he alluded to the subject, and was quite mistaken in supposing that he had mentioned the Report in an unfriendly spirit. He had the highest opinion of the talent of Mr. Godley, who had, he thought, contributed a very valuable paper to the public documents. It

had been alleged against the Report of the Committee that it laid down a theoretical principle without any exceptions, but he was not at all certain that this was a departure from the duty of such a Committee, since it was for the Government to consider how far they should apply those principles, and what exceptions should be taken. It was, as he had said, a valuable paper, but there was also much that was valuable in the exceptions taken to that Report by Mr. Elliot, but he should be the last man to undervalue the labours of Mr. Godley. He would not again enter into the case of the officers who retired on half-pay under the general order of 1826. He held the opinion he expressed the previous night, that there were two parties to be considered in the matter. They must look at the terms of the engagement, and he could not read them as the hon. and gallant Gentleman did. If he so read them, he would not hesitate for a moment to acknowledge the bargain, however improvident it might have been. He could not understand that an officer going on half-pay should have, not only all the advantages of full pay, but also advantages which he would not have if he had remained on full pay.

With regard to the last question put by the hon. Member for Dudley (Mr. Sheridan), it was one of very great difficulty. There was no doubt that, although the days of Sergeant Kite were gone by, yet that in many cases young men, in thoughtless and heedless moments, when they were overcome by liquor, entered into engagements which they afterwards repented of. The same thing happened among all classes; but people did not instantly break their bargains. The apprentice, for example, might dislike his trade, and change his mind. Youth was fickle. It resolved hastily, and repented at leisure. Still, they forced the apprentice to abide by the articles of his apprenticeship, and in the same way they forced the soldier, when he had entered, to abide by the terms of his attestation. Whenever a clear case was made out that fraud had been practised he thought it his duty to bring the matter before the Commander-in-Chief. There was a certain sum, the payment of which released a soldier from his engagement, if his regiment was not much below its number. But if, on the other hand, the regiment was much below its complement, and was about to go upon foreign service, then every man was necessarily held to his bargain, for the good of the service and the good of the State. But if there were frauds—and he durst say that on the part of recruiting officers frauds were occasionally committed—there were also frauds on the other side. The best course to be taken in every case where a young man had enlisted with a declaration that he was of a greater age than was really the fact was to prosecute the party for that false declaration. The man who told a lie, too, in the first instance might tell it in the second. In one or two cases certificates of birth had been produced before the Adjutant-general, and had been followed by the release of the soldier, when it afterwards turned out that the certificate of birth belonged to a different person. It was extremely difficult to ascertain the identity of a person from a piece of parchment brought from a distant part of the country. It was the duty of the military authorities to release men when it could be proved they had been enlisted under false pretences; but, on the other hand, persons who had made false declarations ought to be punished. At the same time when a man merely changed his mind there was no sufficient reason why he should not be held to his bargain, if the exigencies of the service required it.

MR. H. B. SHERIDAN said, that the young man to whom he referred was both under age and under size. He should take an early opportunity of bringing the case under the notice of the House.

LORD HOTHAM said, that the principal ground which the hon. Member for Dudley had for complaint was that a person had been enlisted under the proper age. The hon. Gentleman could not be aware of the difficulty of ascertaining the age of recruits. A rule existed that no youth's service should begin to count until he arrived at the age of eighteen. But this regulation was insufficient to check the practice of false declarations of age. The recruiting sergeant had no means of knowing a youth's age, and if a young man appeared to be eighteen, but was only seventeen, how could the sergeant know that he was under age?

COLONEL DICKSON said, that no man was attested until twenty-hours after he was enlisted, and he went for that purpose publicly before a magistrate. He would venture to speak from his own experience, and he believed that such cases as had been described could not occur. He did not believe a magistrate in the country could be

found who would attest a person under the circumstances which had been detailed.

SIR FREDERIC SMITH said, he was glad to find that the right hon. Gentleman proposed to give an estimate of the China war. He confessed, however, he did not know on what elements the right hon. Gentleman could frame that estimate. He might give an estimate for the armaments, the cost of transports, and the ammunition; but how he could give an estimate of the cost of the war he could not understand. He hoped he would give a large lump sum and a wide margin. The right hon. Gentleman said that the former system of the field officer in waiting being in command of the brigade had been followed by bad results. He would rather say that the present system had given better results. No troops were in a state of better discipline or had rendered more gallant services than the Guards. He thought the Guards were the finest troops in the world. He would admit, however, that the frequent change of commanding officers did sometimes give unfortunate results. With regard to the complaint made by the hon. Member (Mr. H. B. Sheridan), being an old officer, and having had some thousands of recruits brought under his notice, he did not remember a single instance of a man complaining of having been entrapped into the service. Nor did he think that the practice of drugging was ever had recourse to.

MAJOR PARKER observed that a recruit could within twenty-four hours after his enlistment, if he desired, obtain his release on the payment of a small fine, called the "smart money," and not exceeding £1. It was utterly erroneous to suppose that men were enlisted in a drunken or unconscious state.

MR. W. WILLIAMS said, he did not think that a case had been made out for the continuance of an Inspector General of the brigade of Guards. The office had only been created about four years, and it was understood at the time that it was created for a certain officer. Those Guards ought to be the most disciplined troops in the world. [Colonel LINDSAY: So they are.] So they ought to be. But there was no reason why they should not be inspected by the same officer as the regiments of the Line. To show how the Guards were favoured above the Line, he would mention that out of the officers who entered the army from the 1st of January, 1841, to 1st of January, 1849, seven battalions of Foot Guards created 43 Lieutenant-colonels, while 164 battalions of the Line created only 28 Lieutenant-Colonels.

Motion *agreed to.*

SUPPLY.—ARMY ESTIMATES.

House in Committee of Supply.

Mr. MASSEY in the Chair.

1. Motion made, and Question proposed,

"That a sum, not exceeding £387,285, be granted to Her Majesty, to complete the sum necessary to defray the Charge of the Miscellaneous Charges of Her Majesty's Land Forces at Home and Abroad, exclusive of India, which will come in course of payment during the year ending on the 31st day of March 1861, inclusive:"

MR. DARBY GRIFFITH said, he hoped the Secretary for War would give the House some information as to the system of providing chargers for the officers of cavalry regiments. Formerly, each officer found his horse on his own responsibility; but under the new system the horse was provided by the Government, the officer paying a fixed price for it. It appeared, however, that the chargers were furnished from the ordinary service horses of the regiment. He thought that a superior class of animals was required for officers, and should be separately contracted for at a higher rate. The miserable deduction from the forage allowance of officers ought not to be continued.

COLONEL KNOX said, he would beg leave to make a few remarks with reference to the depôt battalions. He was able to say from experience and study that there was but one opinion prevailing with regard to the depôt system. It was truly said that it was the most vicious and demoralising system that could be adopted. They brought together simultaneously a number of young officers and raw recruits in the same barracks, and it was difficult to bring them under control. Belonging to different regiments, unaccustomed to discipline, and destitute of any *esprit de corps*, these young men, both officers and privates, inevitably acquired habits which proved in after life seriously detrimental to themselves and the service. He had been told by many commanding officers that they looked with alarm to any young officer who came from a depôt battalion, because they said, and with justice, that he was not amenable to the same control and discipline as one who came fresh to his own regiment. There was every reason to believe that the authorities viewed with

doubt and suspicion the policy of the system. He had no hesitation himself in saying that it was the worst and the most expensive which could possibly be imagined. Of course it was not easy to change it suddenly, but as it was not beneficial to the service he hoped that the Vote would not appear again in the Estimates.

MR. W. WILLIAMS said, he wished to call the attention of the House to two or three items in the Vote which this year presented a very large increase. Thus the charge for hospitals was £148,018 this year, against £90,714 last, and deducting the stoppages of pay, the net figures were £45,663 against £5,515. That was an extraordinary difference, and required explanation. So, again, the charge on account of deserters was last year only £3,000, whereas it was now double that sum—a fact which afforded striking evidence of the vast increase that had taken place in the number of desertions. The charge for subsistence of men in civil gaols and military prisons was £12,000 this year against £8,000 last. On page 12 there was an item of £5,321, "Repayment to the Indian Government for the force maintained at Labuan." He had hoped that that settlement had been abandoned. It was formed by a private individual, Sir James Brooke, for his own advantage; and who, finding the speculation an unprofitable one, had endeavoured to get the Government to take it off his hands and pay him a certain sum for it. But the settlement was of no use whatever, and two years ago the Government distinctly stated not only that they had determined to abandon it altogether, but that the Vote then taken was the last that would be asked for on account of it.

AN HON. MEMBER here remarked that such important Votes ought not to be discussed in the presence of so few Members, and moved that the Committee be counted. Notice, however, being taken that there were forty Members present, the debate was resumed.

SIR DE LACY EVANS said, that there was a growing feeling that the system of depôt battalions was not satisfactory, and that impression was felt not only by junior officers, for some of the most experienced officers in the service were opposed to it. Indeed in such a congregation—for they could not be called regiments—it was impossible to have that *morale* and *esprit de corps* which were especially necessary at the commencement of the career of a young officer. He did not blame the Government for having adopted the system, because the circumstances of our army were very different from those of other armies, as there were generally three-fourths of the troops serving out of the kingdom, and there was a great difficulty to know what to do with new levies of officers and men. He did not know whether it was expensive, but any system which did not produce a good *morale* could not be economical. He believed that a commanding officer, a major, and an adjutant were appointed to these battalions, and that they were efficient, but the task imposed upon them was extremely difficult. If the system were found not to succeed he hoped the Government would see the necessity of devising some new arrangement. Nothing like the system of depôts was known in foreign services. In the French army each regiment had three or four battalions, and the field officers were certainly arranged on a much more economical system than ours. There was but one lieutenant-colonel to each regiment; the other field officers were *chefs de bataillon* or *chefs d'escadron*. Some mistakes had been made in the debate of last night as to the number of troops in this country. The number of actual troops of the Line disposable for battle did not much exceed 30,000, but there were about 20,000 recruits in the depôt battalions. If these were so disposed that there would be only a certain proportion of young soldiers and young officers in each battalion, the amount of the disposable force would be very greatly increased. He knew it was a serious operation to change an existing system; but he earnestly hoped that the Secretary for War would seriously consider the expediency of making some alteration in the system of depôt battalions.

SIR FREDERIC SMITH said, he agreed very much in what had been said with regard to the depôt battalions. He had served a great deal with depôts, and he thought the system a very bad one. It brought a great many young officers together without the control of old officers. To establish second battalions might no doubt at first involve a little more expense, but he did not believe that the system would be found more costly in the long run. The French plan was to have three battalions belonging to each regiment always ready for service, and a fourth, always less numerous than the

others, to serve as a depôt and to feed the rest. The same system prevailed in the Prussian army, and he did not believe that the right hon. Gentleman could do better than to follow the example. There are several points in the Estimate which required explanation. He found that the charge for the depôt battalions had increased from £32,317 for last year to £35,807 this year; and lower down in the Vote there was a further increase for miscellaneous depôts, &c., from £4,185 to £5,797. He found that the levy money in 1860-1 was £42,000, and in 1859-60, £69,000; and yet the charge for marching allowance and cost of conveying recruits, escorts, &c., was £6,000 for the smaller sum, and only £4,000 for the larger. He supposed the increase in the levy money was to be accounted for by an augmentation in the bounty. The total charge for the recruiting staff for the current year was £22,241 against £18,660 last year. Last year the total charge for the purchase of horses was £75,830, this year it was to be £105,030. The cost of remounts in this country was higher than in any other country in the world. It appeared from a Return which he had obtained some time back that the amount voted during the last five years for remounts for the cavalry was no less than £1,054,804, which was an enormous sum. To be sure, in consequence of the Crimean war, the expense in 1856 was £742,688. The following year, 1857-8, it was reduced to £32,978. In 1858-9 it rose again to £98,278. In 1859-60 it was £75,830. In 1860-61 it was £105,030; these items making together the amount he had stated. Now he believed in no foreign army did a horse last for so short a time as in England, and yet nowhere was there better stabling, better forage, or a higher breed of horses. He was surprised that the hon. Member for Lambeth had not perceived that the discrepancy in the hospital charges did not arise from any extravagance, but solely from causes over which the War Office had no control. He found that last year the estimate for the subsistence and expense on routes of deserters and their escorts, and rewards for the apprehension of deserters, was £3,000, while this year the Estimate was £6,000. Thus it would be seen that the estimate in respect of deserters had doubled. He thought that as the army was so much improved in administration this extra expense was unaccountable. It certainly required some explanation how it was that, with improved training, improved camps, and a better state of the army generally, they had this large sum in the Vote.

Notice taken that Forty Members were not present:—House counted, and Forty Members being found present—

Sir FREDERIC SMITH proceeded to say that a great increase was likewise observable in the item for subsistence of men in confinement, which for the year 1860-61 amounted to £12,000 as compared with £8,000 in 1859-60. He also found that for the movement of troops last year £129,000 was required, while this year £138,000 was asked for. Now this increase was hardly justifiable. Perhaps the items were in themselves small, but they altogether amounted to a large sum—[Mr. Williams: Hear, hear!]—and they ought to receive the careful attention of the right hon. Gentleman the Secretary for War. Under the next head he found that this year for religious books and the carriage thereof the cost would be £3,000, while last year it was only £2,000. Now, unless the army increased very rapidly, this charge ought not to appear in the Votes; and if the right hon. Gentleman had spoken to the Chaplain-General, some steps might be taken to diminish or to put an end to it. The whole cost for five years for moving the troops had been £165,000, and for religious books for the same period it was upwards of £11,000.

Colonel LINDSAY said, he wished to draw attention to the question of provisional depôt battalions, not so much as regarded their organization, or their discipline and drill, but as regarded their organization for colonial purposes. These battalions were necessarily mixed up with the system of colonial service. There were some 80,000 men in India, and two-thirds of the army served in the Colonies. The consequence was, that the whole system of reliefs, deranged by the Crimean war and the Indian mutiny, was totally altered, and it would be difficult to keep up, under the present system of organization, the system of relief necessary. With reference to recruiting, although the state might be able to raise sufficient recruits to keep up the efficiency of the army, the great question was, whether they would be able to get the best description of persons. He believed that it would not be so, and that the service had not arrived at that position whereby they would be enabled to get the best of the working classes into the ranks.

It appeared to him that the length of the colonial service had a great deal to do with the general popularity of the service, and that the service in India and in the Colonies was much too long, and the fact would force itself more strongly upon the Government every day that it was impossible to maintain the depôt provisional battalions as at present constituted. On the question of re-enlistment, they all knew the value of old as compared with young soldiers, and it deserved consideration whether some slight addition might not be made with advantage to the pay of old soldiers who were willing to re-enlist. Indian depôt battalions could never, he maintained, be regarded as a force available for the defence of this country. They might number 10,000 or 15,000 men upon paper, but the larger number of these were now about to embark for India, and their places would be filled by raw recruits, whom it would be necessary to instruct. Allowance must at all times be made in the Military Estimates for troops who were actually at sea, and for invalids returning from abroad. Now, what was required in order to give security to the country was, that the number of regiments at home should be adequate to her defence.

COLONEL SYKES said, the great source of expense in regard to the army of India was, its transit across the ocean, and the expense would be much greater in future years. Every man sent out to India cost the Government £100 before he was ready to take the field, and the longer therefore that he could be kept there the better. He did not see what practical good could follow from these discussions of the Estimates hour after hour. In consequence of lump sums being inserted, they must trust to the statements of the Secretary for War, for they had no details which were sufficiently full to enable them to judge for themselves, and they certainly had not the means of drawing comparisons between the past and present years. For instance, for the purchase of horses last year £23,000 was required, and this year the Government asked for £38,000, but there was nothing to show what number of horses had been bought. The number ought to be given, "so many horses at such a cost." So as regarded the Staff of the depôt battalions, the Estimates had risen from £32,000 last year, to £35,000. The number of lieutenant-colonels, majors, and adjutants was given for this year, but not for last, so that it was impossible to institute a comparison. Had the increase taken place in superior officers or in instructors of drill? With respect to hospital expenses, the sum for medicines and treatment of the sick amounted to £44,663. Some explanation as to the increase that had taken place ought to be given, although it was admittedly an item of expense in which less hesitation ought to be shown than in any other. As regarded the administration of martial law, there was a total charge of £4,305 for the Judge Advocate General and his department. The Judge Advocate General had £2,000, and his deputy 1,200 per annum. Were the duties of this department of the army so extensive as to require the services of both of these officers at this cost? Then, as regarded the cost of military prisons, while the cost last year was £50,299, the cost for the ensuing year would be £58,312. Did this mean to imply that there was an increase in the number of military prisons, or a great increase in the number of the prisoners? As regarded the movement of troops, the estimate for those at home last year was £75,000, this year £80,000; land and water carriage in the Colonies, £53,000, this year £64,000; the total being £144,000 for the ensuing as compared with £128,000 last year. Under the head of regimental agency the increase was as £25,000 to £27,500, and the allowances to agents for postages and stationery £1,200 as compared with £1,000. The House ought to have the fullest means of forming their opinion with respect to the propriety of these Estimates, which were increasing from year to year, without the means being afforded of verifying the necessity for the increase.

COLONEL DICKSON observed, that he had been for a long time quite opposed to the depôt battalions; but that, having had several opportunities of seeing how they worked, and having heard the speech of an illustrious personage (the Duke of Cambridge) in "another place," who had very clearly pointed out that the proportion of officers and men fit for duty exceeded under the present system that which was furnished by the old four company depôts —he had been led to change his opinion on the point. It was said, indeed, that the present depôts were a bad school for young men; but it was but justice to the officers in command to state that he had perceived a great improvement had taken place in that respect, although it was, per-

haps, desirable that some further modifications should be made with respect to the junior officers. He wished, in the next place, briefly to advert to the extraordinary increase in the item set down in the Estimates for the purchase of horses. Now, while there was so large an addition made to the horses for the Cavalry of the Line, he did not see that there was any corresponding increase in the number of men. He found from a calculation which he had made, founded upon the Estimate, that those for the Household Cavalry would last about eight years, and those for the Cavalry of the Line about six years. The horses for the Artillery would, by the same calculation last four years, and those for the Military Train from three to four years. He might also be permitted for a moment to advert to the boon of allowing the service to make choice of its own chargers. The system of officers selecting their chargers from the ranks certainly did not carry with it all the advantages that might be supposed. He had seen nearly every regiment in the service, and he could not say they rode that class of horses he could wish them to ride. One half the regiment were generally mounted on what were technically called "screws." He thought it would be a greater boon to give cavalry officers forage for their horses without charging them the drawback than the option of taking horses from the ranks. Again, the Vote of £148,000 to defray the expenses of the removal of troops at home, for the last two years, was unnecessarily large. He thought that under that head a great saving might be effected, and a great deal of money was unnecessarily thrown away, and he wished the hon. Member for Lambeth would bring it to a substantial issue, in order to see whether some of these items could not be reduced. He certainly was not for reducing the efficiency of the army, but he was sure if the money were properly applied they might have a far more efficient army.

Captain JERVIS said, that with reference to the charges on account of the military establishments in the Colonies, both the Colonies and the country should understand that neither the House nor the Government had expressed any opinion in regard to the question of the defence of the Colonies which formed the subject of discussion on the previous evening. In that discussion many of the Colonies had placed to their charge establishments for the cost of which they should not be at all held liable. He would take the case of Tasmania as an example. Until lately, Tasmania was a convict station. In 1853 it cost, as such, £184,000, and entailed a military expenditure of £64,000 for troops. In 1854, by the decrease in the number of the convicts, the cost of the convict establishment was reduced to £154,000, and that led to a reduction of the military expenditure to £47,000, but in neither case could this colony be charged with the expenditure. The case of Western Australia was the same. In 1853 the military expenditure was £73,000; in 1854 it was reduced to £57,000. It had likewise been decreasing since with the decrease in the number of convicts, and he had no doubt that circumstances would be found in regard to the other colonies which would also exonerate them. He hoped that the Secretary at War would fulfil the promise he made the House last year, in having an annual return supplied, setting forth the sanitary condition of the British troops in their several quarters.

Mr. SIDNEY HERBERT said, he would endeavour to answer the questions, as far as he could, in the order in which they had been put to him. With respect to the question raised by the hon. Gentleman the Member for Devizes (Mr. D. Griffith), he had no doubt that the experiment of providing officers' horses from the ranks, by way of diminishing their expenses, would on trial be advantageous; but still some modifications in details might be required, and a suggestion had been made that a higher class of horses should be bought, with a view to be taken at a higher price by cavalry officers. The hon. and gallant Member for Chatham (Sir F. Smith) had moved for a return, which had not yet been printed, of the cost of cavalry horses in this country. Some surprise had been elicited by there being an increase of the charge for cavalry horses this year as compared with last. But it should be recollected, in the first place, that they had two regiments of cavalry coming home from India which it was necessary to remount; and the estimate for horses must vary every year. When the Estimates were framed it was pretty well known what was the deficiency in horses. That, of course, must be replaced; at the same time, there was the ordinary charge for replacing cavalry horses every year, and by combining these two they got the probable expense, of course fluctuating in

amount. With regard to the condition of the horses, it was true that they lasted longer in some regiments than in others. In the Military Train especially, the horses were used up more rapidly than in any other portion of the service, because they did an enormous amount of labour. They were used in the arsenals, and performed a great deal of heavy work, and he had no doubt that those horses were used up to a much greater extent than horses which were not subjected to the same amount of labour. It was also quite true that our horses cost more than in foreign armies, and, according to the gallant Officer, did not last so long. They could, however, always purchase horses abroad cheaper than in England. The article, perhaps, was not so good; but it was cheaper. On the other hand, he believed all classes in this country, civil as well as military, used up their horses sooner than people abroad. We drove at a greater pace; our horses were capable of going at a greater pace; they could do more, and more was got out of them; the consequence was that they were sooner used up. These facts, combined, accounted for that difference which he should expect *à priori* to exist with reference to the charge for horses, though I am unable to speak as to the fact. With respect to a question put by his hon. Friend (Mr. Williams) as to a considerable increase in hospital expenses, it was said that was a sign of a greater degree of sickness in the army. He stated on a previous occasion that there had been a marked improvement in the health of the army, and that the amount of mortality and sickness had decreased. During the last two or three years there had been great improvements effected in the construction and accommodation of hospitals. These alterations were excellent in themselves, and tended to increase the efficiency of the army; but they all cost money. He had been asked to explain the cause of the increased charge for escorts to deserters. These Estimates were certainly very difficult to frame. The Estimates for future years had to be calculated according to the degree with which in practice the actual expenditure exceeded or fell short of the Vote taken the year before. In 1858-9, the year before last, there were 7,547 men lost to the service by desertion. In the year 1859-60, the number fell to 4,652. There was every reason to believe that that diminution would be maintained in the present year; but it was necessary in framing the Estimate to take an average of previous years. The increased charge for imprisonments was due to the same cause; they had to correct the Estimate of the coming year by the expenditure of the one preceding. With regard to the movement of troops, all military officers held it to be of great disadvantage to allow troops to remain very long quartered in the same place. It led them to enter into too intimate relations with the civil population, and contracted what was the despair of all who had to do with the army—namely, marriages. The soldier who married with permission and his wife either lived in a barrack-room with many other men—a system hardly compatible with decency, or the country had to build separate quarters for married soldiers and their families, which certainly enhanced their comfort and their cost too. These separate quarters had already been provided at Portsmouth, and the same course was being steadily pursued at other places. Next year he hoped to see the arrangement extended to Woolwich. Considering that the men entered the service at eighteen and could leave at twenty-eight, he could not see that there was any great necessity for their getting married at all; but if they did so it certainly added materially to the expense of the army. This year, however, he had made a reduction in the Vote for the removal of troops, because it had been found on examination that the expenditure under this head was usually in excess of the Vote, and care had been taken to secure accuracy in the present Estimates, although it might nominally appear high in amount. The pay of a Lieutenant-General had been struck off at Malta. That fact was accounted for in this way:—There had lately been at Malta a Governor, Sir Gaspard le Marchant; and a Lieutenant General in command of the forces, General Pennefather. It was thought better that the plan of placing the civil and military Government in the hands of one person, which was found to work well at Gibraltar, might be adopted at Malta, and the united functions had accordingly been entrusted to Sir Gaspard le Marchant and General Pennefather had received other employment in England. It had been asked why the stockpurse of the Guards remained identically at the same sum. The reason was that the Guards themselves remained at identically the same number. Some complaint had been made that these Estimates were not minute

enough in their details. He thought many of them were already extremely minute, and, indeed, it was often asked, "What is a man to do with all this enormous mass of figures?" He believed as a matter of fact, that the Estimates would be more generally intelligible if given in less detail. To use a vulgar phrase, far more Members were "choked" by the present mass of details than were starved by their insufficiency. There were very few of the proposals made night after night with regard to the army which, if adopted, would not involve an increased expenditure; and if he were to yield, as the representative of the Government, to all the suggestions made to him with respect to these Estimates, he believed that balancing the cost from some with the saving from others, the pecuniary gain to the country would be *nil*. Different branches of the army had been put upon a better and higher footing; but each branch thought itself injured because others had had a particular grievance removed while its own case had not been dealt with. Thus, the expense of the army increased to an extent that was very dangerous, because if they were to have a very costly army they must make up their minds to have a very small one. He frankly avowed that he thought it most important to keep down our military expenditure as far as possible. A question had been put to him with regard to the sanitary Reports. A director of the medical department of the army had been appointed, who devoted his attention to such subjects and to the sanitary satistics of the service. A sanitary Report had been drawn up, and the moment it was ready it would be laid upon the table. He hoped also to be able to produce before the close of the Session another most important document—the Report of the Barrack Commission, which was now in draught, and which would exhibit, in the greatest detail, the state of the various barracks in the United Kingdom. The question as to depôt battalions had been discussed by hon. Gentlemen in a very fair spirit. Of course on such a subject he could not speak with any authority. He had had no experience of it, but some of the points in dispute were perfectly obvious. The pamphlet that had been published anonymously, but with the sanction of a gallant Officer opposite, and which was attributed to a high authority that none had greater respect for than he had, itself admitted that for effecting relief depôt battalions were of great advantage. Four company depôts existed when he was himself first officially connected with the army. The feeling against them was then as strong as that now entertained against depôt battalions. It was said they were only a refuge for officers who shrank from colonial duties, that they fostered idleness, laxity, and a want of discipline. But distance "lends enchantment to the view," and now four-company depôts were much praised and set up in contrast to the modern depôt battalions. He had heard the discussion on this subject in "another place" to which allusion had been made, and he thought the best of the argument certainly lay with the Commander in Chief. If they divided the regiments into two battalions, and made one whole battalion the depôt for the other, they got a better organization for the other battalions. And, again, if they divided the regiments into three, they would get two battalions that would be very good. But let them not imagine that that change would not be costly, because, if they divided a regiment from two into three battalions, they must have a still larger Staff with an increased proportion of field officers. That alteration would probably add from £20,000 to £50,000 to their expenditure. What was our position as regarded a foreign war? We had a great Colonial Empire, and also the part of the Empire at home to defend, leading to one-third of our men being at home, and two-thirds abroad. But if war broke out, it was to their fleet that they must look for the defence of the Colonies, while it was to the interest of the country to have some of their best battalions at home. Under the two battalion system, however, if the battalion at home was always to be the feeder of the battalion abroad, we should have little but raw levies at home; while all our seasoned troops would be in the Colonies. When the Guards went to Canada, one battalion remained at home to feed the other, and very effectually it fed it; but what was the result as to that battalion? Out of 640 men only 400 were fit for duty. A second battalion at home would be the depôt for the other, and the men in it could never be as well seasoned as those who formed the battalion on foreign service. It was true that there were a good many young officers at these depôt battalions, but that evil had been diminished by an order of the Commander in Chief, and it must be remembered that neither the captains nor lieutenants were young officers. For these reasons it ap-

peared to him that there was not sufficient evidence upon which to condemn the depôt battalion system; and he should be sorry to see it abandoned for the system of second battalions, which, as far as he was informed, would be more costly and less efficient. The gallant Officer the Member for Wesminster (Sir De Lacy Evans) complained that we had too many field officers, and instanced the French system as being more economical in this respect. The fact, however, was that in the French army there were more field officers compared with the number of men than there were in ours. In our army there were three field officers to a regiment of 1,077 men, while in that of France there were six in a regiment of 1,920 men; thus, in the French army there was one field officer to every 320 men, while in ours there was only one field officer to every 359 men. He should be sorry to see any great reduction in the number of field officers, because one great hardship arising from the constitution of armies was the small proportion of employment which you had for officers of the upper grades. In each regiment there were 10 or 12 ensigns, and 10 or 12 lieutenants, who became 12 captains, and then had to be reduced somehow or other into two majors and a lieutenant-colonel.

COLONEL STUART said, he hoped the Secretary at War would be able to inform the Committee that it was likely some arrangement would be soon made by which soldiers undergoing sentences would be placed under military discipline, instead of being made the associates of thieves and other abandoned characters in a common prison.

MR. W. WILLIAMS said, there was one item in the Vote to which he felt compelled to take exception, namely, that of £5,321 for repayment to the Indian Government for the force maintained at Labuan. Sir James Brooke had taken possession of that district upon speculation for his own advantage, and for some time held it unconnected with the Government. Finding, however, that it was not a profitable speculation, he had endeavoured to induce the Government to take to it. A long discussion had taken place on the subject a few years ago, and it was then stated by Government that they expected that would be the last time the House would be called upon to vote the amount. He should therefore move that the Vote be reduced by the amount of that item.

MR. SIDNEY HERBERT said, the station was useful as a coal depôt, and might become of considerable importance in carrying on the operations against China. The amount was £429 less than last year, and it was required for the payment of expenses already incurred.

MR. W. WILLIAMS said, that the idea of sending vessels to Labuan for coal was ridiculous, and he trusted the House would not throw money away on a station which was of no earthly use.

Whereupon Motion made, and Question put,—

"That the item of £5,321, for repayment to the Indian Government for the Force maintained at Labuan, be omitted from the proposed Vote."

The Committee *divided.*

Mr. WILLIAMS was appointed one of the Tellers for the Ayes, but no Member appearing to be a second Teller for the Ayes, the Chairman declared the Noes had it.

Original Question put, and *agreed to.*

(2). £220,000 to complete the sum for the Embodied Militia,

COLONEL DICKSON said, that at present the Militia was in a most unsatisfactory state. No regiment knew what was to become of it. The system of twenty-eight days' drill was a perfect farce. The men were not forthcoming when they were wanted. If the Militia were put on a proper footing, they might have a great reduction in the expense of the army, coupled with greater efficiency. Unless he received an intimation that the Militia was to be placed under a better system of organization he should move a reduction of the Votes.

LORD CLAUD HAMILTON said, he had had some experience of the working of the organization of the Militia, and he had come to an opposite conclusion to that at which his hon. and gallant Friend had arrived. It was complained that some regiments were disbanded, while others were kept in training, but that was a matter which must be regulated by consideration for the public advantage. He believed that that the Militia force were at all times prepared to do their duty, whether embodied or disembodied.

COLONEL SMYTH said, he should support the Vote, believing it to be necessary that the Militia should be embodied, in order that they might acquire a knowledge of the duties they were required to perform. For that purpose, however, he

would recommend that the drills in the first year should be prolonged to eight or ten weeks. The training of soldiers was in the present day more scientific than it used to be, and it was impossible to make a man properly march, move about, and use the delicate weapon now placed in the soldier's hand in twenty-eight days.

GENERAL PEEL perfectly concurred with what had been stated by his right hon. Friend the Secretary for War on a former occasion. He did not think that the Militia should be embodied in a time of peace; they should be kept as an army of reserve in time of war and embodied only on occasions of great emergency. Twenty-one or twenty-eight days' training was not sufficient to make the Militia good troops; but if in the first year they were sent to camps of instruction for three or four months, then twenty-eight days in the year would be sufficient afterwards to keep up the knowledge of what they had learnt. The hon. and gallant Member for Limerick (Colonel Dickson) complained of the want of notice to regiments of their intended disembodiment. He was of opinion that if the Government gave them a longer notice than usual of their disembodiment it would be impossible to keep up the necessary discipline. He thought that the advantages of a good Militia could not be overrated, and that the time would soon come when this question of an efficient Militia would become one of the most serious consideration.

COLONEL DICKSON explained. All he intended to say was this, that if three or four regiments were embodied they could reckon with security upon a greater number of the Militia being always ready when called upon. Under the present system officers did not know that they had men to command, and the men did not know that they had officers to command them. Scarcely half the number came up last year for training as was expected. He had himself to disembody upwards of 1,000 men three months go, and he was convinced that only about half the number would come up if called upon the next day. His own regiment was perhaps the only regiment in the south of Ireland that did not show strong symptoms of mutiny. Much dissatisfaction was felt at the system that took men suddenly from their homes and as suddenly dismissed them. He thought that three months' good drill in one year would suffice for three years. He was anxious to see the Militia placed upon a more satisfactory footing than it was at present.

MAJOR PARKER said, he wished to urge upon the right hon. Gentleman the Secretary for War the propriety and importance of altering the present system, so as to prevent the loss and inconvenience to the men themselves of calling them out, in the agricultural districts particularly, at seasons of the year when they were receiving good wages for their labour, and when their services were of the utmost value to the farmer. If that could be avoided no doubt a greater number of men would be induced to enlist.

LORD FERMOY thought there was only one safe and sound principle to act upon in the disembodiment of the Militia, namely, to take them in the same rotation as that in which they were called out. He could not agree with the suggestion of the hon. and gallant Colonel opposite, that the Militia should be called out for drill during three or four months. It would be impossible to keep artisans and other men of fixed habits three or four months from their homes. The best system of national defence was the Volunteer system. He thought the Government were quite wrong in not sanctioning the introduction of the Volunteer system into Ireland. A large body of men could be picked out by any one who understood the country, and would prove most loyal.

SIR JOHN TRELAWNY said, he thought economy would be promoted by appointing retired paymasters officers of Militia.

SIR FREDERIC SMITH said, the question was, how best to provide an army of reserve in case of invasion, it being on all hands admitted that the number of regular troops was, and must be, small. Now, having been for many years employed in the training of troops, he was quite convinced that twenty-one or twenty-eight days were quite insufficient to effect this object. In that time a man learnt next to nothing, and went back as little of a soldier as when he left home. If, however, you first of all made a militiaman thoroughly master of his business by training him for five or six months, no further drill would be necessary for two or three years. When men were harassed by being called out for twenty-eight days' training year after year, their regular habits were disturbed, and, after all, they were not made good soldiers.

COLONEL SYKES said, he thought scant

justice had been done to the only constitutional force in this country—the Militia. He believed that militiamen had the same *physique* and the same "pluck" as soldiers of the Line; and, as an old adjutant, he could say that a shorter time was required to enable a man to go through the regular parade drill than was generally supposed. The chief point was to give them confidence and train them in the use of the musket. This was of far greater importance than merely teaching them the goose step. It should be remembered that the battles of the French Republic were all won by men who had not been drilled at all, but who, though only recruits, beat the highly-drilled Austrians. Too much reliance, therefore, ought not to be placed on mere mechanism. If men possessed enthusiasm they would do anything, and he did not, therefore, under-estimate the Militia, as it appeared to be under-estimated in that House.

COLONEL STUART complained of the disappointment felt by young officers who had raised the proper proportion of men for the Militia, in the hope of getting a commission. When men were much wanted, hopes were held out that commissions would be granted; but after the number of men required had been raised it was found that commissions were not easily got. He suggested that a certain number of commissions should be set aside to be given to young Militia officers under certain conditions. He also thought that some steps should be taken for the more effectual punishment of deserters from Militia regiments, and that the time they were away from the regiment should be deducted from their period of service. Complaints were also made in the large agricultural counties that the Militia were called out at an inconvenient period of the year, and that insufficient means were taken to advertise the place and the time at which the men were to be drilled.

MR. DODSON said, he wished to ask what number of men they were to have for the £300,000 to be voted. He quite concurred in the expediency of calling out the Militia at a convenient period of the year. Inattention to this matter discouraged the labourers and farmers to such a degree that they refused to enlist after the expiry of their term.

MR. HENLEY said, the statements brought forward in the course of the debate had been so curious and conflicting as to leave doubts whether we had a Militia at all, and whether the men referred to were real men or only appeared on paper. He hoped the right hon. Gentleman the Secretary for War would excuse him for asking what his whole number should be on paper, how many of all ranks were embodied, and how many had enlisted in the course of the last twelve months into the Line.

CAPTAIN ESMONDE said, that with reference to a statement made by the hon. and gallant Colonel opposite (Colonel Dickson) he wished to observe that though a Militia regiment in the south of Ireland mutinied in a moral point of view, yet they did not really mutiny. The men were exasperated at the harsh manner in which they were treated by the authorities, and the uncertainty of the regulations. He alluded particularly to the North Tipperary Regiment, which was the only regiment in which any symptoms of insubordination had been shown.

MR. SIDNEY HERBERT said, he quite agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), that the discussion had not shown any great amount of unanimity on the part of those who had engaged in it as to the manner in which the Militia should be constituted. He would, however, remind the Committee that the Vote before them was for the embodied Militia, while they had been discussing the disembodied. He had prepared Returns showing the number of men who had deserted to the Line and how many had joined the Line with the consent of their officers, which Returns would give full information as to the embodied Militia. The number of Militia last year was 70,000, of whom 25,000 were embodied, and the remainder, 45,000, disembodied. He also thought that the object of the force had been mistaken by those who sought to make the Militia as efficient as men of the Line. It was neither the desire nor the intention of the Government to make the Militia as efficient as the Line, for, if they did, the men would be unfitted for Militia service. He could not approve of the suggestion that militiamen should be taken out of their counties for three or four months for the purpose of being drilled. The employers of labour would feel greatly aggrieved if that course were adopted. It had been stated by a gallant Officer opposite (Colonel Stuart) that much inconvenience arose from the time of the year at which the Militia were called out.

The Commission reported that it would be a great advantage if the regiments could all be called out as nearly as possible at the same time, and they were told that the best time for doing so would be the month of May, before the hay harvest commenced, when the men could be best spared. This could not perhaps be universally adhered to, as the hay harvest was found to be later as they went north. In the northern counties the month of June would probably be the most convenient season, and in Scotland still later. If the regiments were called out in winter, as had been suggested, the short days and bad weather would prevent their having the same facilities for training that they had in May. The gallant Officer opposite had also suggested that it would be of advantage to give commissions without purchase to Militia officers who brought a certain number of men over to the Line. He must say, however, that he hoped they would soon be able to discontinue, to a great extent, the embodied Militia. The return of soldiers from India and other places would, he hoped, enable them to do this. The best thing they could do for the Militia was to let them alone—to follow the old constitutional system of never calling them out, except on great emergencies. Those who served in embodied regiments were a class of men who liked the service, but preferred the five years of the Militia to the ten of the Line. These men would go into the Line. On the other hand, if a regiment of Militia when disembodied was filled with men of fixed habits well known in their counties, they might be depended upon in circumstances of danger, but if they were to be made permanent soldiers they would have nothing to do with the Militia. The original design of the Militia, that they should be a disembodied force, only trained annually for service, was that which ought to be adhered to. The question, therefore, put to him about recruiting for the Militia fell to the ground. When the ill-treatment of the Militia was asserted, he agreed with hon. Gentleman who declared that the Militia were ill-used, but did not agree with them as to the manner in which they were ill-used. It must be heartrending to those Lieutenant-colonels who prided themselves on the efficiency and appearance of their regiments to see their best men taken from them for the Line. With regard to the notice given to officers of the disembodiment of their Militia, he agreed with the right hon. Gentleman (General Peel). Some officers asked for an early notice, but others, on the contrary, deprecated a too early announcement of their disembodiment, for they said it unsettled their men, and rendered them disinclined to perform their duties.

General PEEL said, he wished to remind the right hon. Gentleman that he had not answered the question of the hon. Member for Sussex (Mr. Dodson) as to the number of the Militia the Vote would provide. Unless the Militia were disembodied immediately, it was doubtful whether the Government would have the money to pay the men voted by Parliament. The object of calling out the Militia was to represent the Line, and to make up for them, and as soon as the regiments arrived from India the whole of the Militia regiments must be disembodied. The Government had not taken money for more than the troops that had been voted by Parliament. He had heard for the first time that night that three or four Irish regiments had been in a state of mutiny, and he had been very much surprised at the statement.

Colonel HERBERT said, he thought it desirable that the attention of Parliament should be directed to the small force of troops now in the United Kingdom. Striking out the depôts there were only thirty-three regiments of the Line at home. Adding to them the seven battalions of Foot Guards, we could not turn out more than 28,000 or 29,000 men, which was not a sufficient force to act as a nucleus for the defence of our shores. The embodied Militia mustered about 17,000 men. Was there any prospect of receiving 17,000 regular troops to supply their place at the end of the financial year? Two regiments of infantry were on their way from India. [Mr. Sidney Herbert: Six of infantry and two of cavalry.] Yes, two regiments of infantry were actually on their way, and four more were expected. They might muster altogether 4,000 men. The China war was now an accepted fact, and there was no chance of those regiments that had been suspended in mid air coming home. Those six regiments were the only troops upon which we could rely to reinforce our home army and to supply the loss of 17,000 embodied Militia. This was a point well deserving attention, and he hoped that the Secretary for War would state what were the views of the Government on this point.

Colonel DICKSON said, there was an

old saying that, if they wanted to roast an Irishman, they could always get another Irishman to turn the spit. He did not think that his observations should have called forth such a host of antagonists. He would not be guilty of the bad taste of making any comparison between his own and other regiments. That was a matter to be judged of by the superior officer. He did not say that his regiment was the only regiment that was not in a state of mutiny, but he said that his own regiment was the only regiment in the south of Ireland at that time disembodied that did not show symptoms of discontent, or break out into a state of mutiny. That occurred in 1856, at the close of the Crimean war, when the Militia had great reason to complain of the way in which they were treated by the Government. It was actually proposed to send the men out of the barrack-yards without clothes.

GENERAL PEEL said that, when he was Secretary of War, he had never heard of any case of mutiny on the disembodiment of the Irish Militia regiments.

COLONEL DICKSON explained, that he was not talking of the time when the gallant General was Secretary of War.

COLONEL HERBERT said, he recollected that in 1856, when the regiments were disembodied, a promise was made that they should receive 14*s.* each man; but that an order was subsequently issued stating instead of 14*s.* they were to have 4*s.* then, and 10*s.* at a later period, and that every man went away stating that the treatment was bad, and that faith had not been kept with them. That caused great difficulty in the way of recruiting for the Line, and he hoped no such practice would again be followed.

MR. W. WILLIAMS remarked that he could not understand the discrepancies between the statements of the gallant Officers and the number of men voted by the House. Last year, for instance, 136,906 men were voted, and that, allowing 40,000 as being on Colonial Service, there ought to be 97,000 men in the United Kingdom. The late Secretary for War (General Peel) stated on the previous evening that, though the whole numbers were not on paper, they were actually raised; but the gallant Officer who had just spoken asserted that there were in the country only 33 battalions, numbering less than 33,000 men. He wanted to know what really was the strength of the home force. This year they had voted 145,000 men, and yet they were told the defences of the country were insufficient. If there were only 33,000 men in the country, he must say he thought that force was insufficient for the defence of our shores.

COLONEL HERBERT said, what he had said was that there were at the present moment in the United Kingdom only 33 regular battalions of the Line, or 40 with the addition of the Foot Guards. There were 18,000 men in the depôts belonging to Indian regiments, including invalids who had come home, recruits not yet trained, and recruits who, having been trained, were on the eve of departure. The depôts of regiments at home or in the Colonies amounted to about 12,000. The Artillery force at home amounted to 14,000, the Cavalry to 10,000, and the Militia to 17,000. The total, therefore, was about 70,000 or 71,000. But what he wished to press on the attention of the House was that the depôts were not available to meet the enemy. They were not fit to bear the shock of battle. The idea that they formed a force which the country could rely on as the nucleus of our home defences, if we were seriously attacked, was an utter delusion and imposition, although he was sorry to say it had met with encouragement in high quarters. The only infantry troops that could be put forward to meet a foreign army were the regular battalions, which, including the Foot Guards, were only 40 in number, and could not turn out more than 30,000 men. With a proper force of regular battalions, and a large contingent of Militia, the officers of the British army would be perfectly ready to meet the troops of any other country; but the reputation of our arms and the safety of our country were not secure as long as the force that could fairly be called on to meet the foe was confined to some 40 battalions, which did not number 1,000 men each.

MR. W. WILLIAMS held that if the depôt battalions were perfectly useless, as the gallant Officer had just told them, they were throwing away money in paying for them.

GENERAL PEEL repeated what he had stated on the previous evening, that the number of men proposed to be voted for the whole army was 228,854, including the force on the East India establishment, and that not only was every man raised, but the force in existence at this moment was actually in excess of that number. He

made that statement on the authority of the War Office Returns.

MR. W. WILLIAMS: That is all very well, but where are they?

GENERAL PEEL said, he included in his calculation the depôts of regiments. He admitted they were not as efficient as the regular battalions, but that could not be avoided in a large army.

COLONEL HERBERT said, that he questioned, not the accuracy of the figures, but the soundness of the conclusions of the late and present Secretary for War. He repeated that in including in their Estimate not only the depôts of regiments at home, but those of regiments on Indian and Colonial service, with such an overwhelming proportion of recruits and so large a number of invalids, they gave a very false idea of the strength of the army available for the defence of the country.

Vote *agreed to.*

(3.) £34,000 to complete the sum for the Volunteer Corps.

SIR WILLIAM MILES said, he regretted the absence of the hon. Baronet the Member for Tamworth (Sir R. Peel) who had given notice of an Amendment on this Vote. In the meantime he wished to say a few words as to the condition of the Yeomanry force. It was impossible to imagine that a force could be efficient which was only called out once in three years, for the horses required to be kept in training, as well as the men. At the last muster of his men he had eighty recruits out of a regiment of 380, and of these eighty, thirty were mounted on two-year old horses. No doubt, the intelligence and zeal of these men enabled them to become efficient in an extraordinarily short space of time, but still the want of being called out threw great difficulties in their way. He had hoped that the Government would have placed in the hands of the Yeomanry the improved breech-loading rifle, with a range of 800 yards, and he believed that if they were provided with such a weapon they would make a most efficient mounted rifle corps. With the common smooth-bore carbine, which they now used, having the ridiculous range of eighty or 100 yards only, he had seen excellent practice made, and with a superior weapon he had no doubt they would turn out excellent marksmen. In 1803 the total number of Volunteers, Artillery, Riflemen, Cavalry, Yeomanry, and Infantry, was no less than 319,000. At the present time there were 14,000 enrolled Yeomanry and 130,000 Riflemen. They were not under the same war pressure as in 1807, and he had no doubt of the success of the present volunteer movement, seeing what had already been done. He had no doubt that, as hitherto, the Rifle corps and the Yeomanry would continue to co-operate without the slightest approach to jealousy. He hoped, however, that the embodied Yeomanry corps would be placed upon such a footing that they might not disgrace themselves when called upon to act for the common defence of the country. The regiment of Yeomanry which he had the honour to command had been called out in aid of the civil power since 1804, seven times as a regiment, and sixty-nine times in divisions, squadrons, or troops. He supposed that other regiments had been called out as frequently, and he therefore thought the Yeomanry had done good service.

COLONEL KNOX said, the Government were, by every means in their power, endeavouring to forward the volunteer movement, and he entirely agreed that they could not forward or foster it too much; but, while doing so, they were completely putting an extinguisher, for the present at least, upon the Yeomanry Cavalry. If the country was in such a state as to require the aid of the volunteers, he thought they ought at such a time to take every means in their power to make the other forces as efficient as possible. He should press upon the right hon. Gentleman the necessity of properly arming the Yeomanry if they were to continue them. They would become a most efficient force if armed with the breech-loading rifle, for the practice he had seen with that weapon at 800 yards was perfectly marvellous. He was sorry the Government did not intend to call them out, and if they would not take the matter into consideration and postpone the Vote he should feel bound to divide upon it.

MR. SELWYN said, he wished to repeat a suggestion he made last year with a view to increasing the efficiency of the Volunteer Rifle corps. He had then called attention to the great difficulty experienced by the Volunteers in obtaining proper practice grounds. The difficulty still existed, but it could be lessened or obviated without the expenditure of a single shilling of public money. It was found impossible to form an efficient Rifle corps except in a populous neighbourhood. For a proper prac-

tice ground a long range was required in the immediate vicinity of the place where the corps was raised. But rights of way and the number of proprietors rendered it difficult to obtain such a practice ground, and he would suggest that a short Act should be passed, giving, at all events, permissive powers to Rifle corps to acquire land, and embodying the Lands Clauses Consolidation Act, at the same time providing that the inspector of Volunteers or the Secretary of State and also some local authority should first agree on the necessity of the acquisition of the ground, and on its proper selection. If there were any objection to compulsory powers, there could be none to permissive powers being given, and the very fact of there being these powers would put a stop to many of the vexatious claims which were now raised. That course had been pursued in respect to other undertakings, such as docks, railways, and canals, and the importance of Rifle corps was sufficiently acknowledged to authorize its being adopted for the purpose to which he had alluded. He agreed, however, with the Secretary of State, that it would be unadvisable to make any grant of public money for the purpose, as it would lead to the exaggeration of these claims and a waste of the public revenue. He hoped, too, that greater facilities would be given for enabling members of Volunteer corps to go through a course of training in the Government schools of musketry.

SIR WILLIAM RUSSELL said, he had commanded a regiment of cavalry during the Indian mutiny, and they had used Sharpe's breech-loading rifles, but they were found to be totally useless. He did not, therefore, think that the efficiency of any corps would be increased by being supplied with those weapons.

COLONEL KNOX said, everybody knew those rifles had signally failed, but Westley Richards' breech-loading rifle was as efficient an arm as could be desired.

MR. DEEDES said, it was notorious that the arms with which the Yeomanry had been supplied were perfectly useless, for it was only by knowing the particular points of each weapon and making allowance for it, that anything like precision of aim was attainable. The Government had supplied the volunteer Riflemen with the most efficient weapon that could be had, and the Yeomanry ought to be treated in the same manner. One of the effects of not calling out the Yeomanry this year would be that the recruits who had joined since the last training would not get the benefit of exemption from the horse duty.

MR. DARBY GRIFFITH said, he wished to ask the right hon. Gentleman, under the advice of what military authority the addition of 200 foot riflemen had been made to the Wiltshire Yeomanry Cavalry, and to what fund in the Estimates had the expenses of their equipment been charged? This mixture of forces had always been condemned by the highest military authorities, and it had given great dissatisfaction in Wiltshire.

MR. SIDNEY HERBERT: I do not at all object to the question put to me by the hon. Gentleman the Member for Devizes (Mr. D. Griffith). His impression, I think, is that some addition has been made to the corps of Wiltshire Yeomanry beyond its quota, and that some exceptional favour has been shown to it. That is not the case, because the establishment of the corps is 583 officers and men. They have 400 effectives of privates and non-commissioned officers, so that there is a considerable margin within which these men may be recruited, without passing the prescribed establishment. This plan of attaching to a cavalry regiment a certain number of men armed with rifles was suggested by the colonel of the regiment, and was submitted to Sir J. Scarlett, at that time in command at Portsmouth, who reviewed the regiment last year. It is not for me to say whether he considered the regiment to be in a high state of efficiency or not, but he was a good deal taken with this plan of Lord Aylesbury's, and he expressed his opinion that it deserved a trial. Application was made to the Commander-in-Chief for permission to try the experiment, and the Commander-in-Chief replied that it would be well worth while to make it in case the corps desired to do so. That is the whole history of the transaction; but there has been no excess, and no charge incurred by the Government. The next question is as to the horse duty. I think, if my hon. Friend (Mr. Deedes) will look at the last paragraph of Lord Grey's letter he will find it stated that the intention of the Government is, that the Yeomanry shall be allowed the duty for the year 1861, ending the 5th April, 1862, although they are not to be called out for duty. They were exempted last year because they were called out for training the year before, and they will be exempted this year. I stated last evening that the Government had no intention of

discontinuing the services of the Yeomanry —they entertain too high a sense of the value of a force which time has shown to be efficient, and which in successive years has kept up to pretty nearly the same strength, so that we may always depend on having 14,000 or 15,000 men. The hon. and gallant Member opposite (Colonel Knox) has spoken of my sincerity in encouraging the volunteer movement. I have certainly done my best to give the Volunteers what encouragement lay in my power, and I am well rewarded by seeing them attain to such numbers and such a degree of efficiency as could not have been anticipated by any person when the movement first commenced. Still I do not think there is any reason why the Yeomanry should be sacrificed. We do not want to exchange old lamps for new; I have great faith that the new lamps will burn long and brightly, but I know that the old ones also have burnt continuously and well. The suggestion of the hon. and learned Gentleman (Mr. Selwyn) well deserves consideration. I very much objected to the proposal which was made, that Government should give aid to the 500 or 1,000 corps already in existence in the purchase of rifle ranges. In many cases these can be procured on the sea coast, at no great cost; but in the neighbourhood of large towns the matter is by no means so easy, and it is wonderful what an increased value attaches to land once it has been looked at by a Government surveyor. I have calculated that it would cost something like a million to procure ranges for all the different corps, and certainly the appearance in the Estimates for the year of a million for this purpose would not have increased the admiration of the public for the gratuitous service which forms so large a portion of the merit of the volunteer system. I hope the explanation which I have given may be satisfactory to the officers of Yeomanry corps. I shall be very glad to issue improved arms to them, but as yet the cavalry of the Line are not fully armed. Great difficulty has been found in procuring breech-loading carbines of the best construction; and certainly the experience which we have had in the case of Sharpe's carbine has shown how necessary it is not merely to trust to the ordinary trials at butts, but that the weapon shall undergo the test of actual service. We hope that Mr. Westley Richards may be more successful, and we have sent some to China to be tested.

Mr. Sidney Herbert

Sir STAFFORD NORTHCOTE said, that, as an old Yeomanry officer, he was glad to hear the statement just made by the Secretary of State for War, but he would at the same time venture to call his attention to the competion at present taking place between the Yeomanry Corps and the new mounted Volunteer Rifles. He had always believed that the efficiency of the Yeomanry could be improved by a better system of inspection, tending to develope the peculiar qualities and merits of the force. In the towns there could be no collision between the Yeomanry and the Volunteers, but in the country the new corps must come into competition with the Yeomanry—first, as to their officers, who would be drawn from exactly the same class; and next as to the men. In the one case these would be required to find themselves in everything, and to sacrifice a considerable amount of valuable time, while in the other accoutrements and weapons would be found them, they would be freed from horse duty, and would likewise receive pay during the period they were called out for service. At the very time that the two forces were thus brought into competition, the Government, by not calling out the Yeomanry, created an impression that it was their wish to favour the new Mounted Rifleman. The ratio of armed men was now 15 in 1,000 of the general population, and was rapidly increasing, while a few years ago it had only been 10 in 1,000. It was, therefore, obvious that in future the volunteer element must be largely relied upon, and it became important to lay down at the outset some clear and consistent plan of action.

Mr. KNIGHT said, there was a strong feeling that the Volunteers had not been liberally dealt with, for only £15,000 had been voted towards the maintenance of that force, in lieu of the £35,000 usually devoted to the Yeomanry, which this year were not to be called out. Government gave £20,000 less than usual, though it had 120,000 additional men under arms for the protection of the country. The Volunteers did not ask for pay when they were called out, but if the Government intended that the corps should be continued they ought at least to be provided with that instruction and organization which he had understood was promised. They were, he might add, when they had first sprung into existence, on good terms with all other corps, although perhaps some little jea-

lousy between them and the Militia and Yeomanry might since have arisen.

LORD ELCHO said, that as one who was an earnest Volunteer, he wished to protest against the supposition that any ill-feeling towards either the Yeomanry or the Militia existed on the part of that body. For his own part he greatly regretted the disbandment of some of the Militia regiments, and the fact that the Yeomanry were not called out, inasmuch as he had no doubt that such conduct was likely to lead to feelings of irritation. The only hope and wish of the Volunteer Rifles was to be a useful auxiliary force to the other branches of the service—the regular Army and the Militia. He might further observe that he should wish to see his right hon. Friend the Secretary for War directing his attention to the expediency of making a combined force of the Yeomanry and Volunteers—the former being constituted mounted rifles. He should, he might add, be sorry that the impression should go forth that the breech-loader was a failure, the fact being that he could state from his own experience, that that of Mr. W. Richards had proved most successful with respect to accuracy of range and facility of loading. He should, before he sat down, wish to call the attention of the Committee to a letter on the subject of Volunteer Corps emanating from a high military authority, who was supposed to be unfavourable to their organization. He meant Sir John Burgoyne, who, in the letter to which he referred, stated that nothing could be more unjust than to include him among the "professional old bigots" who despised the volunteer movement, from which, on the contrary, he anticipated great things. He saw at the same time, however, many grave disadvantages under which they laboured, and he believed that his desire to lessen those disadvantages, and place the force in the best position, had given some grounds for believing that he wished to crush it. He did not, however, at all wish to support the notion that when we had say 300,000 Volunteers, we should have no necessity for any other force, because they by their bravery and skill would be enabled to hover round and destroy any enemy. Now, he (Lord Elcho) had not the slightest desire to see the Volunteers supersede the regular army, and it was, he confessed, with something like dismay that he had heard it stated by an hon. and gallant Gentleman opposite that we had in this country only 30,000 regular troops upon which to rely in case of need. ["Infantry."] Yes, Infantry, inclusive of the Guards. [MR. OSBORNE: But not the Marines.] Be that as it might, he could not allow the present opportunity to pass without expressing his thanks to his right hon. Friend the Secretary for War for the zeal and kindness which he had invariably exhibited in the cause of the Volunteer corps, and also to his noble Friend who held the office of Under Secretary in the War Department, to whose hands the management of matters connected with those corps had been committed, and who, in the discharge of his duties in that capacity, had shown the utmost tact and judgment, as well as anxiety for the success of the movement—he might add, the utmost freedom from anything like red-tapeism.

MR. W. WILLIAMS said, he wished to know the reason for the charge of £3 a man for contingent and clothing charges for 14,000 Yeomanry, when it was said that they were not to be called out this year. There were other items swelling the total amount to £88,000. It seemed extraordinary to expend this amount on a body of men who were not to be called out. On the other hand, there was only £15,000 for 133,000 Volunteers. That was a manifestation of loyalty the like of which had never been seen in any country.

MR. BERNAL OSBORNE: That sum was only for the adjutants.

MR. BASS explained that the £3 a man formed a fund out of which the general expenses of the Yeomanry corps were defrayed, and out of which sufficient was saved to find new clothing when it was required. He quite agreed that a change in the training of the Yeomen was desirable—less importance should be given to movements in line, and more to discipline and personal efficiency in the use of arms.

MR. RIDLEY deprecated the calling out of Rifle corps in aid of the civil power, as had in one instance been done. The object of those corps was simply national defence.

SIR WILLIAM RUSSELL said, the only use of carbines in the hands of cavalry was for purposes of alarm. The objection to breech-loaders was that the men would fire away all their ammunition in five minutes. Besides, in trotting the powder would shake out of the piece, and it would then be very difficult to extract the bullet, and to make the weapon again efficient.

LORD ELCHO said, he would merely observe there was a danger of troops firing

away their ammunition too fast with breech-loaders.

Mr. H. B. JOHNSTONE said, he would declare in the face of all the world that the Army Estimates were already too small, and he thought the Secretary for War deserved the thanks of the House for the way in which he had endeavoured to meet the wants of the country.

Mr. BUCHANAN explained that in the case which had occurred at Hamilton, the police had requested two companies of Volunteers to come to their assistance, which they did, and the Sheriff tendered them his thanks on the following day.

Mr. SIDNEY HERBERT said, that with regard to the occurrence at Hamilton, he wished to observe that the Volunteers were by Act of Parliament exempted from the liability to be called out to put down riot and disturbance. On this occasion the Volunteers had gone out of their own good will, and they deserved great credit for what they had done.

Vote *agreed to.*

House resumed.

Resolutions to be reported on *Monday* next.

Committee to sit again on *Monday* next.

House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 4, 1860.

Minutes.] Public Bills. — 1ª Refreshment Houses and Wine Licences; Sir John Barnard's Act Amendment, &c. Repeal.
2ª Bank of Ireland.
3ª Public Improvements.

BANK OF IRELAND BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The Earl of ST. GERMANS moved the second reading of this Bill, the object of which was to remove the restriction by which the Bank of Ireland were now prevented from advancing money on real property by way of mortgage. There was no such restriction imposed on the Bank of England or the Bank of Scotland, and the effect of the Bill would therefore be to put the three establishments on precisely the same footing in this respect.

Moved, That the Bill be now read 2ª.

Lord Elcho

Lord MONTEAGLE thought the present restriction imposed on the Bank of Ireland was a wise one, and ought to be continued. A bank should always have money in the readiest and most available form, so as to be in a position to meet its engagements without delay. It was a total misapprehension of the true principles of banking to lend money where it was not immediately available. If the Bank of Ireland was in a position to lend its capital on the landed property of Ireland when land was so much depreciated there, it would not be for the benefit of either the landlords of Ireland or the Bank of Ireland itself. The Bank of Ireland was the pivot on which all other credit rested; and they could not reduce the value of its security without damaging public credit. He was ready to admit that the Bank of Ireland had hitherto conducted its business with great prudence, and did not believe that this Bill would induce a departure from that conduct; but he thought it very unwise to give them an unlimited power of investing their money on the security of real estate.

The Earl of DONOUGHMORE said, the noble Lord appeared to forget that the Bank of Ireland was not the only banking corporation in that country, and that it only furnished one-third of the note circulation of the country. It was unjust that the Bank of Ireland should be subjected to a restriction which was not imposed on the other banking establishments with which they were brought into competition. It was matter of common complaint that landed proprietors of Ireland could not obtain accommodation from the Bank on the best security, a landlord with a rent-roll of £5,000 had the greatest difficulty in getting a bill discounted for a few hundreds, while small traders could get their bills discounted to the amount of thousands at little or no expense. The restriction which the noble Lord called wise and salutary, was placed on the Bank of Ireland so long ago as 1782 — about the period when an Act was passed to prevent Roman Catholics from lending money on mortgage of land. In a country where agriculture was the principal interest, everything ought to be done to facilitate the employment of bankers' capital on land.

The Earl of ST. GERMANS said, the objections urged were immaterial. It was a simple matter of justice to remove from the Bank of Ireland a restriction to which no other banks were subjected.

Motion *agreed to.*

Bill read 2ª accordingly ; and *committed* to a Committee of the Whole House *To-morrow.*

House adjourned at Six o'clock. till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 4, 1860.

THE REFORM BILL.—QUESTION.

MR. STEUART said, that if they should arrive at the stage of going into Committee on the Reform Bill, he would submit a Motion to the effect that some other Member of the House than the hon. Member for Salford (Mr. Massey) do take the Chair. As that hon. Gentleman had an important notice with reference to the Bill on the Paper, it was desirable that they should have the benefit of his deliberations in Committee. He would therefore beg Mr. Speaker to instruct him as to the proper moment when such a Motion should be brought forward. He (Mr. Steuart) learned from Mr. May's valuable work on *The Law and Practice of Parliament*, that such a Motion was competent, but that if it were made in Committee Mr. Speaker would require to be called in.

MR. SPEAKER : Had the hon. Member put on the paper the Motion which he proposes to make, I should have been able to answer his question with more positive certainty than I can now undertake to do. My impression is that if any such question arises in Committee that will be the proper time to call for the assistance of the House to decide it.

THE WESTMINSTER PALACE CLOCK. QUESTION.

Mr. BOWYER said, he wished to ask the First Commissioner of Works, Whether there is any objection to giving orders for means to be used for causing the Clock to strike the hours upon the largest quarter bell (the chimes being silent) until a new great bell shall have been cast and fully approved ? Also, whether the cause of the defect in the great bell has been ascertained, and if another bell is to be provided ?

LORD HOTHAM said, he wished to add a question on the same subject. It was when the right hon. Gentleman will be prepared to lay before the House notice of the determination to which he may have come with reference to the great bell, and whether he will do so before any further outlay of money has been incurred ?

MR. COWPER replied, that he had had the good fortune to secure the advice and counsel of gentlemen who stood highest in those scientific attainments which would particularly guide them in coming to a conclusion on the state of the great bell. The inquiries of those gentlemen were not yet completed, and so far as they had gone he should not be justified in saying that the bell could be again struck without considerable danger ; or, on the other hand, that it was absolutely necessary to abandon the use of the bell. He considered that the best course to be taken as a temporary arrangement was to use the largest quarter bell for striking the hour, and the other three-quarter bells for striking the quarters. If that were done the House would be spared the loud and dismal strokes of the great bell, which they must all remember, and which occasionally drowned the voices of hon. Members, and diverted attention from the business before the House. By using the largest quarter bell, which was as large as the bell of St. Paul's, the neighbourhood would be informed of the hour without exposing the House to the serious inconvenience to which he had alluded. He thought it was rather hard upon the House that, for the sake of half the county of Middlesex being informed what o'clock it was, hon. Members should be prevented hearing themselves speak. This arrangement would be economical, and, he believed, satisfactory.

THE CHINESE WAR.—QUESTION.

SIR JAMES ELPHINSTONE said, he would beg to ask Mr. Chancellor of the Exchequer, what provision has been made for the cost of the War in China ?

THE CHANCELLOR OF THE EXCHEQUER said that, as he had only received the Notice of the hon. Member that day, he had not had time to communicate with the Secretary for War, to whom, rather than himself, it pertained to answer the question. He believed, however, that the House was already aware of the provision which had been made for the cost of the Chinese war. It amounted to the sum of £850,000, which was taken as a Vote of Credit for the financial year 1859-60,

but only a portion of which was paid during the financial year, the remainder continuing to be available for the present year. The provision for the war also included a sum in the Estimates of £1,100,000 or £1,200,000 for the present year; and, further, a Vote of Credit proposed to be taken during the present year to the amount of £500,000. That was the provision for the cost of the war as announced to the House four months ago; but, as they were aware, circumstances had changed somewhat since then, and the Secretary for War had intimated that it would be his duty, on an early day, to call attention to the subject in the course of the discussion on the Estimates. No accounts had yet been received, but there were materials for estimating the probable charge beyond what were previously possessed, and full information would be given to the House on the earliest opportunity.

SIR JOHN PAKINGTON said, he understood from the Secretary of State for War that the Government would lay upon the Table an Estimate of the probable cost of the Chinese war, and he wished to know when it is likely that that Estimate will be laid on the Table.

THE CHANCELLOR OF THE EXCHEQUER said, that was a question which the Secretary of State must answer, rather than himself; but he supposed, from the materials which were in the possession of the Government, it would be on a very early day.

REPRESENTATION OF THE PEOPLE BILL.—COMMITTEE.

FIRST NIGHT.

Order for Committee read.

MR. HUNT rose, according to his notice, to move

"That it be an Instruction to the Committee, that they have power to provide increased facilities for polling at Elections—"

MR. SPEAKER: It is proper that I should state to the hon. Member and the House my reason for thinking that the Instruction, which he proposes to move, would not be in order, and it is this:—That the Committee already possess power to do that which the hon. Member desires they should do, and it is a rule of the House that no Instruction shall be given to a Committee to do that which they already have the power to do. Under these circumstances, it appears to me that the proposed Motion is not in order.

MR. HUNT: I will at once bow to the decision of the right hon. Gentleman; but, perhaps, if I read the Instruction which I propose to move, that decision will be found not to apply. I propose to move that the Committee have power to provide increased facilities for polling at elections in the United Kingdom. The title of the Bill is to "further amend the Representation of the People in England and Wales." As the Instruction extends to the United Kingdom, I thought it did not fall within the rule just stated.

MR. SPEAKER: That Motion is not according to the notice of the hon. Gentleman.

MR. HUNT: I beg leave to state to the House the reasons why I think it is possible to agree to my Instruction, consistently with the strict rule of the House.

LORD JOHN RUSSELL: I rise to order. I should like to put it to you, Sir, whether, as the hon. Member is now stating it, there is not another objection in point of order to the proposed Instruction. The Bill before the House is a Bill for Amending the Representation of the people in England and Wales. It seems to me, therefore, that an Instruction for converting it into a Bill which will be applicable to purposes connected with the United Kingdom does not come within the purview of the Bill. It is for you to say, Sir, whether an Instruction referring to the general representation can be given to the Committee on this Bill.

MR. HUNT: I speak to order. There are no doubt other Bills on the table which have reference to other parts of the United Kingdom. It is doubtful from the present state of business whether these other Bills will advance another stage this Session. There is an evil in regard to the election of the representatives of the people of the United Kingdom. I wish to see a remedy introduced for that evil, not only in regard to the representation of the people in this kingdom, but also in regard to the people of Ireland and Scotland. I therefore desire to propose that any new provision for the election of the representatives of the people shall apply to the United Kingdom, so that every part of the United Kingdom shall have the advantage of it, even though the House shall be unable to pass either of the other two Bills through a further stage.

MR. T. S. DUNCOMBE: I apprehend, if the hon. Gentleman opposite is out of order with his Instruction, that I am

equally so in regard to mine of which I have given notice—

"That it be an Instruction to the Committee to give greater facility, and render more frequent, the Registration of Voters."

There can be no doubt that the original Act of 1832 was merely to amend the representation of the people. Therefore, if the hon. Gentleman opposite is out of order, I am of course out of order. I confess, however, that when I gave notice of my Instruction, my impression was that I had the power in Committee to move clauses for improving the registration. The only thing that raised a doubt in my mind upon this point was the existence of separate Bills for the registration of voters. The Bill introduced by the right hon. Gentleman opposite (Mr. Disraeli) in 1859 was according to its title not only a Bill to amend the representation of the people, but also to facilitate the registration and the polling of electors. In regard to the addition of the words "United Kingdom," I consider the objection taken to them a mere quibble, and unworthy of the noble Lord.

SIR HUGH CAIRNS: I apprehend the rule is clear upon the point. You cannot properly move as an Instruction what the Committee can do without any Instruction. Now this is a Bill which upon the face of it is confined to England and Wales only; but the reason given by the hon. Member for Northamptonshire for his Instruction is that he desires this provision to apply not only to England and Wales, but to all other parts of the United Kingdom. I apprehend, if my hon. Friend proposed such a provisoin Committee on the Bill, he would be stopped on the ground that it went beyond the purview of the Bill. The hon. Gentleman therefore thought proper to give notice of his proposition in the shape of an Instruction to the Committee, and, with submission to you, Sir, I apprehend he is quite in order.

MR. DODSON said, he had given notice to introduce a provision for taking votes in the election of Members for the Universities by voting papers. He had inquired of high authority whether it was competent for him to move that clause in Committee without having previously moved an Instruction to the Committee to entertain the question, and he was informed that the subject was sufficiently germane to the Bill to be entertained without any Instruction. He therefore conceived it was competent for the hon. Member to move a more extensive question than the subject of voting papers.

MR. SPEAKER: As the notice of the hon. Gentleman stands on the paper, I think there is no doubt that the objection I have made to it is a valid objection, and that it is not competent to the hon. Member to move that Instruction. I think the addition of the words which he now proposes would rather increase the irregularity than diminish it; because as there are already two Bills before the House upon the subject of the representation of Scotland and Ireland, it will be anticipating a discussion upon those two Bills, which it is not in order to do. I therefore, think the addition of the words "in the United Kingdom" would not place the hon. Member in order, and give him power to proceed with his Motion. As to the question asked me by the hon. Gentleman the Member for Finsbury (Mr. Duncombe), I think the Instruction which he proposes to move would also not be in order, because the Committee certainly have the power to do that which he proposes to empower them to do. In the original Bill, which bears the same title, namely, "A Bill to amend the Representation of the People of England and Wales," provisions were made for the registration of voters, and it will be perfectly competent for the hon. Member to move in Committee any clauses which he may desire to move on the subject of registration.

MR. HUNT: I feel bound, of course, to bow to your decision. But I wish to ask you, supposing that there were no Bills on the table applicable to the representation of the people of Ireland and Scotland, whether I should be in order in moving my Instruction to the Committee upon this Bill.

MR. SPEAKER: It is one of my duties to give decisions upon points of order as they arise; but not to give anticipatory decisions on hypothetical cases.

MR. HUNT: Then I withdraw my Motion.

MR. DARBY GRIFFITH, who had a notice on the paper to move

"That it be an Instruction to the Committee, that no Borough shall be deprived of One Member until it has been ascertained by an actual census of the population of such Borough, whether or not the present number of its population falls below the limit of 7,000 inhabitants."

Then rose—

MR. SPEAKER: I feel bound to state that there is an objection also to the Instruction which the hon. Member for De-

vizes proposes to move. The hon. Member has given notice to move,

"That it be an Instruction to the Committee that no Borough shall be deprived of one Member until it has been ascertained, by an actual census of the population of such Borough, whether or not the present number of its population falls below the limit of 7,000 inhabitants."

It cannot be competent to the Committee to inquire with regard to the census. The Committee have to deal with the Bill which is placed before them, and cannot entertain any question outside its limits; therefore in my opinion this Instruction is not in order. There is another objection in point of form—that it is mandatory on the Committee as to what they are to do. The real intention of an Instruction to a Committee is to give them power to do a certain thing if they think proper to do it, not to command them to do it. For this reason, also, I think the hon. Gentleman's Motion is not in order.

MR. DARBY GRIFFITH said, he bowed to the decision of the Speaker; but if he were allowed to proceed, he thought he should be able to state to the House grounds for their assenting to his Instruction. Since he had placed his notice on the paper, the hon. Member for Rye (Mr. Mackinnon) had also placed a notice on the paper which included the object of his proposition. He was, therefore, happy to resign the matter into his more experienced hands.

MR. BENTINCK rose to move

"That it be an Instruction to the Committee not to proceed further with the Bill till provision has been made for giving to the Counties in England that share in the Representation to which they may be shown to be entitled by population and by property"—

MR. SPEAKER: The same objection exists to the hon. Gentleman's Instruction: it is mandatory in form. In fact, the House has directed the Committee to proceed with the Bill, and the hon. Member proposes by his Instruction to direct it not to proceed with the Bill until it has done something which in due course of proceeding it would be competent to do if it thought fit. The Committee may enter into the question referred to in the Instruction of the hon. Member, if it thinks fit, and dispose of it in any way. It is not necessary for it to receive an Instruction. Therefore, in my opinion, the Motion is irregular and out of order. I am bound to state that in my opinion there is no objection to the second Instruction of which the hon. Member for Norfolk has given notice. It perhaps would have saved the time of the House if I had stated generally the objections which appear to me to present themselves to the various Instructions of which notice has been given; but I thought it more respectful to each Member to wait until he rose to state the objections to his particular Instruction. There are objections to the other Instructions, some of them of a different nature to those I have stated; but I reserve any observations upon them until the time arrives for moving each of them. The second Instruction of the hon. Member for Norfolk relates to bribery and corruption. Those subjects have been dealt with almost universally by distinct Bills, and, if the Committee thought fit to deal with that question in this Bill, it would require an Instruction to enable them to do so. If, therefore, the hon. Member thinks it right to move that Instruction, in my opinion, he will be in order.

MR. BENTINCK: In reference to the first Instruction that stands on the paper in my name, I believe that it would not be competent for me, after the decision of the Speaker, to move such Instruction; and, therefore, I beg leave to rise for the purpose of speaking to order. I would commence by saying that no man in this House is more disposed to treat with the most respectful deference any decision coming from your lips, Sir, whilst sitting in that Chair. It is, therefore, far from my intention to impugn any decision you may come to. But it is clear, even in cases like the present, that there may exist a wide difference between the letter and the spirit of a rule of the House: and I think, with the permission of the House, I can show that in the present case—assuming even that your decision is strictly in accordance with the letter of the rules—that the spirit of those rules is of a character that would rather justify my proceeding with my Instruction. I am induced to persevere in it because I think that any point of this kind arising, and upon which, you, Sir, have favoured us with your opinion—if there be still any doubt upon the question, that doubt should be solved by the decision of the House. I believe that is the general rule, and with the greatest deference to your decision, I wish to bring the matter before the House. The Instruction I am moving goes to this effect—that the Committee shall not proceed further with the Bill until provision be made

for certain purposes. I think it is quite clear to the House that it is impossible to move this Instruction if the Committee have already the power of dealing with the matter referred to. I would, however, suggest that it would not be competent for the Committee to deal with this particular matter unless they were empowered to do so by an Instruction. Upon these grounds I submit that I am fully justified in taking the opinion of the House as to whether my Instruction is one which ought to be dealt with on the present occasion. In no shape or way, nor by any clause, could I ask the Committee to deal with this question, so as to induce them, without an Instruction, to do that which I for one hold as a mere act of justice, and indispensable to fair dealing with this measure. Very few Members in this House will deny that taxation and representation are convertible terms; and I think that the most ardent Reformer in this House, even in the extreme sense of the word, will be prepared to admit two things—firstly, under the present state of things the rural districts are inadequately represented; and secondly, that if the Bill now before the House pass into law, they will virtually cease to be represented at all—

MR. E. P. BOUVERIE: I rise to order There is no Question before the House.

MR. BENTINCK: Sir, I am speaking to order. ["Chair, chair!" "Order, order!"]. If the right hon. Gentleman will be good enough to favour me with his views when I have finished I shall have much pleasure in listening to him.

SIR GEORGE GREY: Allow me for one moment ["Order, order!"—"Chair, chair!"] I apprehend when a Gentleman rises to speak to order it is not before any Question has been put from the Chair, but when the Question is under discussion. There is no Question before the House on which the hon. Gentleman opposite can speak. I should like to take your decision, Mr. Speaker, on that point.

MR. E. P. BOUVERIE: Exactly so. The hon. Gentleman opposite is, I apprehend, out of order, seeing that we have no Question before us.

MR. SPEAKER: I certainly understood that the hon. Gentleman intended to conclude with a Motion.

MR. BENTINCK: Sir, I undertake to conclude with a Motion:—I will move the adjournment of the House. My object in addressing the House now is to submit the interpretation of the question at issue to its decision. I do not understand upon what grounds hon. Gentlemen opposite are attempting to stifle discussion. ["No, no!"] It is very difficult for me to avoid repetitions when such pains are taken to interrupt the free discussion of this Question. I was arguing that taxation and representation are convertible terms; and that it is obvious, in the present state of the counties, that the people there are inadequately represented, and still more obvious that under this Bill they will not be represented at all. It is impossible if we go into Committee that we should be able to deal with this Question in a manner satisfactorily to solve the difficulty I have raised; and I argue that it is only by the authority of a direct Instruction from this House that the Committee can deal with the subject of remedying the gross injustice of which I complain. I hold in my hand a document which refers to this point, and deals with the question most ably. It is a speech made some time ago to his constituents by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). The right hon. Gentleman with great clearness and ability went into this Question, and showed how monstrous was the present state of things, and how such a Bill as the present would aggravate the injustice to such an extent that it would be impossible to assent to it. The right hon. Gentleman, as I was observing, showed that there is such a discrepancy between the county and town representation that the counties in England are entitled to 132 Members more than they possess at present; that is, that the representatives of the counties are 132 short of the number they are in justice and fairness entitled to. My hon. Friend the Member for North Warwickshire (Mr. Newdegate) and other hon. Members have made similar calculations and have come to a nearly similar conclusion. The smallest number claimed in addition to the present representatives is 132, the largest 137. Now, I do not think it is in the power of any hon. Member to disprove that. If so, I hope we shall have the case fully argued and dealt with before any further attempts be made to go on with this Bill. A curious document has been placed in my hands—one which shows how completely the present state of things is at variance with what has been really intended by the constitution of this country. ["Order, order!"] The hon. Member for Finsbury calls me to order. Perhaps the hon. Gentleman will

be kind enough to state the grounds of his opinion in considering me out of order.

MR. T. S. DUNCOMBE: Yes, I will state grounds. I called the hon. Gentleman to order for this reason:—He gave notice of an Instruction to the Committee bearing on the very question on which he is now speaking, in these terms:—"That it be an Instruction to the Committee not to proceed further with the Bill till provision has been made for giving to the counties in England that share in the representation to which they may be shown to be entitled by population and by property." You, Sir, having decided that the Instruction cannot be given, he then rises and says, "I shall move the Adjournment of the House," and proceeds to make the speech which he had intended to deliver on the Motion relative to the subject of county representation. I say that is out of order. If he moves the Adjournment of the House, he must give the reasons why the House should adjourn, and not why the counties should have more representatives.

MR. SPEAKER: There has been, without doubt, an irregularity in the course pursued by the hon. Member. The hon. Gentleman rose, and said that any decision or expression of opinion which I might give with regard to an Instruction to a Committee was subject to the confirmation of the House. It is perfectly true that any decision of the kind by myself is subject to confirmation or rejection by the House; and I understood the hon. Member to question the correctness of my decision, and that he proposed to submit it to the decision of the House. I certainly must point out to the hon. Member that the course he is now pursuing, in moving the adjournment of the House for the purpose of making his speech, is not in accordance with the statement which he made or in conformity with correct practice. It is necessary for the hon. Member, if he questions the decision given from the Chair, to conclude with a Motion framed so as to subject that decision to the judgment of the House in a distinct form.

MR. BENTINCK: Sir, I moved the adjournment of the House because I understood you to say that it was not open to me to deal with the subject in any other way. But if you think that the more correct course for me to pursue is to move that in the opinion of the House the Instruction I propose ought to be given to the Committee, I am perfectly ready to take that course. You, Sir, must be extremely obliged to my hon. Friend for having voluntarily undertaken a portion of your very onerous duty. As you, Sir, did not interrupt me I went on presuming that I was in order, until the hon. Gentleman called me to order, and in so doing attached some blame to you for not having stopped me sooner; but as you did not, I must presume that my hon. Friend is rather premature in interrupting me. In order to satisfy my hon. Friend, who seems to be so sensitive on points of order, I will adopt what I now understand to be the proper course of proceeding by moving that this Instruction be given to the Committee. I hope that will satisfy my hon. Friend. Well, when my hon. Friend was good enough to interpose I was about to say that in the paper which I hold in my hand there is a passage regarding the state of the law in an early period of our Constitution, and which shows the vast difference between the existing state of things and those of that time in respect of our county constituencies.

LORD JOHN RUSSELL: I rise to order. In the hon. Gentleman's argument I understood him to say that he was about to move—and it certainly was a very proper Motion and one quite competent for him to make—that it be an Instruction to the Committee not to proceed further with the Bill. The words he has given notice of to that effect would be in order, and could be properly considered by the House. That is a perfectly intelligible proposition, and it is quite competent for the hon. Gentleman to proceed with his argument; but it is not competent for him to state that, according to the argument which he is about to put forward, the counties are not properly represented; because, supposing him to prove that the counties ought to get 130 or 150 Members more, it would not advance him in his argument. What he requires to show is that he could not move that in Committee.

MR. BENTINCK: I ought to feel extremely grateful at the kind attention and considerate courtesy shown me by hon. Gentlemen and noble Lords opposite. I cannot be insensible to the kindness of the noble Lord in coming to help me, seeing the lame way in which I am proceeding; but with great deference to the noble Lord, I am not at all sure that I cannot make good my case in my own way without his able assistance. The noble Lord uses a most extraordinary argument. He says I am perfectly in order in my Motion, but then he

objects to my endeavouring to show that the counties are not fairly represented. Why, that is the whole gist of my argument. If I do not prove it I prove nothing. He says, "go into your objection, but do not go into the subject-matter of it." Merely reminding the House that these delays are not of my seeking, and trusting that I may not again excite the sympathy and enlist the support of hon. Members, I will again refer to the pamphlet of which I have already spoken, which most forcibly establishes the inadequacy of the representation of the rural districts. "In the early periods of the Constitution," it states, "the tax-payers were divided into two distinct classes, the landed proprietors and the tradesmen; and it was required that these two classes should be kept wholly distinct." ["Question, question!"] Perhaps some other Gentleman had a suggestion to make.

MR. RICH: Yes, I have. I beg leave to ask a question. I wish to know whether it is competent to a Gentleman who rises to argue whether the decision of the Speaker is right or wrong to assume that the question has been carried in his favour, and to proceed to argue a question which you, Sir, have decided he ought not to argue.

MR. SPEAKER:—I have been unwilling to interrupt the hon. Member for West Norfolk, but certainly what was stated by the noble Lord is perfectly correct. The hon. Member ought to proceed to show why the Committee have not the power to do that which, in the opinion I have already declared, is within their province. The question is not whether the counties are adequately represented, or whether the boroughs have too many Members and the counties too few; because it will be perfectly competent for the House in Committee, if they think fit, to take from the representation of the boroughs and to add to that of the counties; and the hon. Member, if he feels it right to do so, will have the power of moving in Committee that a subtraction be made from the number of borough Members and an addition to the county representatives. Of course, I am only stating what it will be competent for them to do. I must point out to the hon. Member, though he rises to order, that it is possible to be not in order in the statement which he is making on the subject of order, and that the sufficiency of the representation of counties or boroughs is not the question which is now before the House.

MR. BENTINCK: I repeat that nothing is further from my wish than to gainsay any opinion of yours, Sir, or to violate any rule of the House; but I distinctly understood you to lay down that I was at liberty to refer a decision of yours on the rules of the House to the House. I am doing that in a legitimate and proper manner. ["No, no."] In order to do that I must state the grounds on which I dissent from the opinion which you have given; otherwise it seems to me that it would be impossible for me to make out my case. ["No, no."] I have no wish to go on in despite of the opinion of the House. If the House think that I ought not to proceed with the point I shall not do so; but I must bid the House bear in mind, and the county Members bear in mind, that I thought I should have received more assistance from them in fighting the battle of their constituencies, and that if those constituencies are fleeced and thrown over by this Bill it is not my fault. I shall go on with the Instruction which you, Sir, have decided to be perfectly regular, and which has reference to a subject which is of vital importance to the welfare of the country and also to the character of this House itself. The present mode of treating bribery and corruption is not only a scandal to the House of Commons, but tends to make it the laughing-stock of the country. The omission of all attempts to deal with this evil is one of the most glaring omissions of the present Bill. Such a provision is most essential in a Bill of this kind; because, in the main, the sole feature of the measure was to extend the franchise among that class of the electors who, whether justly or not, have always been esteemed to be the portion of the constituency which is most liable to the temptation of bribery. It appears to me that this hiatus is of itself sufficient to prevent the House from proceeding with the Bill till the deficiency is supplied. What has been the case up to the present time? What has been the Parliamentary history of bribery and corruption? I am not prepared to say for how long, but for centuries past there have been petitions, election Committees, Royal Commissions, and, above all, and at all times and all occasions, the strongest expressions of reprobation and disgust from the House of Commons, but more especially from the Liberal side, whenever their ears were offended by the recital of these vicious and mischievous practices. And what has been the result?

The whole thing has ended in one result—a very considerable outlay, and a very considerable cost for Committees and Commissions. Beyond that not a single step has been taken to check bribery and corruption. The records of those Committees and Commissions we have on the shelves of our library; and they state very remarkable facts. I shall not weary the House by long quotations, but I shall take the liberty of referring to one or two passages. The Committee on the Wakefield Election make a very short Report; but in it they say that at the last election for the borough the Member was guilty of bribery; it cites various cases and winds up in these words:—"There is reason to believe that corrupt practices have extensively prevailed at the last election for the said borough of Wakefield." That is a very large and very populous Liberal constituency; yet the Committee declare the corruption to have been general; and it is clear that either a majority of the electors participated in the bribery or did not show themselves to be very much shocked at it; because there can be no doubt that if a large majority of the electors of Wakefield had set their face against bribery, that fact must have put a stop to its extensive prevalence. Therefore, even though a majority were not guilty of it, it is only by their connivance it can prevail. The Committee on the Gloucester Election wind up their Report by saying "The Committee believe that corrupt practices extensively prevailed at the last election for the city of Gloucester." That is another large Liberal constituency. There is another Report which contains a somewhat similar statement with reference to Huddersfield. In 1854 a Commission sat upon election proceedings in Hull, and their Report and the other documents to which I have referred prove to demonstration that the practice of this House is not to deal with the question of bribery. Persons have been named as guilty of that offence, but no consequence has followed—they go about as if nothing had happened, and are looked upon as favourably in this House and out of it as if it had not. The Commission to which I have just referred to reports, "We find that systematic corruption has uniformly prevailed at all the elections for Hull to which our attention has been called?" What has been the result? Have any steps been taken to put a stop to the bribery and corruption in Hull? I am not aware that any act followed the publication of the Report contained in a very voluminous Report which I hold in my hand. The same Report says, "We find that at the election of 1841 there was systematic bribery on behalf of Sir Walter James, with his knowledge and consent." I do not know that any step has been taken against him. The Committee also find that systematic bribery prevailed on behalf of Sir John Hanmer. They make the same finding with respect to James Clay, Esq., and also with reference to General Perronet Thompson, though they express some doubt as to whether the gallant Gentleman was cognizant of the fact. They further find systematic bribery on behalf of Lord Goderich, though they are not satisfied it was committed with his knowledge, and they give him the benefit of the doubt. Looking at all this, it is impossible to resist the conclusion that whenever a discussion has taken place in this House on the subject of bribery and corruption, the whole thing has been nothing but a broad farce, strong though the denunciations and eloquent though the speeches have been on those occasions. Committees and Commissions simply mean shelving the question. Is this state of things to continue? What does the Bill of the noble Lord propose to do? As I have already observed, it proposes to extend the franchise among the very class of men who are allowed not to be the most unassailable by this species of corruption. The noble Lord must acknowledge this:—it is a fact that poor men are more open to the temptations of electoral bribery and corruption than those in better circumstances. They would be more than human if they were not. The noble Lord knows that a large proportion of those whom he is about to enfranchise only value the franchise for what it will fetch. That is notoriously the case. I appeal to hon. Members, not only on this, but on the other side of the House, to state here what I have heard them admit in private, namely, that hundreds of those to whom the noble Lord is about to extend the franchise will stand aside at any election waiting to see how much they can get for their votes. Are you, then, prepared gravely and deliberately to increase tenfold the area for bribery and corruption without taking any precaution against it? Will the noble Lord rise in his place in this House and defend such a course? Will he rise and say that the effect of his Bill will not be to extend largely the area for bribery and corruption? I do not antici-

pate that I shall hear the noble Lord do anything of the kind. If not, will the noble Lord be good enough to tell us on what ground he proposes to enlarge the area of bribery and corruption without taking any precautionary measures? It is a very curious fact, but one not the less true—that the last fifty-seven cases of bribery which have been investigated by Committees of this House have been, without exception, committed in boroughs. There has not out of these fifty-seven been one single case of bribery in a county. What is the result of this? That the boroughs are returning Members who are sent here under the influence of disreputable practices, and who in consequence of the manner of their election have no right to seats in this House; but who, nevertheless are, by reason of their number, sufficient to override and decide the fate of those who have been fairly and honestly returned. Is this a just state of things? Is the noble Lord prepared to defend that? If he is, it will require more than his usual ability to enable him to accomplish his task. There are certain penalties provided in the case of bribery and corruption, but no attempt is made to inflict them, and therefore the whole thing becomes a farce. Again, there is a regulation that men holding certain posts under Government shall not have the right to vote. If, because a small salary arising from an office, the duties of which a man discharges faithfully, is likely to sway his vote, and therefore he is not to be looked upon as an independent voter, and is to be deprived of his vote, might we not be as scrupulous with regard to our own character, and see whether we could not produce a measure to remove imputations against the character of the Members of this House? I cannot see on what ground a man who keeps a post-office at £4 a year is not to vote for a Member of Parliament, when a right hon. Gentleman on the Treasury bench, who receives £5,000 a year, is allowed to vote on every question that is brought before us. That seems to be an anomaly which, when we are dealing with a question affecting the representation of the people, and when we are going to attempt to prevent bribery and corruption, ought not to be lost sight of. Whatever may be the crime, the disrepute which attaches to the voter with £4 a year, who is induced to go, not strictly according to his conscience, in voting for the most eligible Member of Parliament, that disrepute is increased ten thousand-fold in the case of the Minister who is receiving a very large salary, and is compelled at various times to vote, not confessedly but notoriously, against the opinions which he entertains. It, therefore, appears to me to be essential, in order to relieve public men from one of the greatest stains that can be possibly attached to their character, that no man should be allowed to receive a salary, and to vote in this House. Unless you are prepared to do this, you cannot remove the stain which attaches to the proceeding I have mentioned; and you never will persuade the electors or the public that you are dealing fairly with the people on the question of bribery. I again say, is any comparison to be drawn between a man with £4 a year, giving an occasional vote, and the Statesman with many thousands, voting against his convictions, not once, but perhaps many times, during a Session? The House can hardly be prepared to say that they should not be relieved from such an imputation on their character. It must, at all events, be very distasteful to them, to hear the comments often made on the subject in this House, and in the journals; they must writhe under the imputations, and there is but one way of doing away with them—namely, to put the voter and the Minister on the same footing, and say that no money should pass in either case where there was a vote; that the Minister should have the choice of the salary or the vote. We should then know whether men served their country for ambition or profit; and that seems to me to be a most desirable item of knowledge. At all events, it would relieve Ministers from the imputation that they take large salaries for doing that for which many poor voters are prosecuted. Therefore, whenever the time comes, I shall move that no Minister in this House, receiving a salary under the Crown, shall be allowed to have a vote. I again appeal to the noble Lord, whether he is prepared to say that the effect of his Bill will not be to largely increase the area of bribery and corruption; and unless he is prepared to make that statement, I will ask him to state on what grounds he is prepared to defend its enactments. The hon. Member concluded by moving,

That it be an Instruction to the Committee, that they have power to make provision for the better prevention of Bribery and Corruption at Elections.

LORD JOHN RUSSELL: It has been

[*First Night.*

the usual course to deal with the subject of the representation of the people and the collateral one of the prevention and punishment of bribery and corruption by means of separate Bills. That, in my opinion, is a course to which it is desirable to adhere. The questions of the extension of the suffrage and the re-distribution of seats are in themselves extremely important, and it would not, I think, be conducive to the public interest that we should introduce in a measure dealing with them provisions relating to bribery and corrupt practices. I have, however, no objection that the House should in Committee take the matter into consideration ; nay, more, it appears to me that we are bound to lend to any proposition which the hon. Gentleman may make with the view of preventing, as far as possible, the recurrence of that offence, a favourable ear. But while I am of that opinion I entirely dissent from the view of the probable operation of the present Bill which the hon. Gentleman entertains. I do not think its tendency will be to increase bribery and corruption ; still less do I imagine his proposal that Members of this House holding office under the Crown should be deprived of the right to vote would prove conducive to the public advantage. Holding the view which the hon. Gentleman does on the subject, he must, it seems to me, be prepared to go one step further and to preclude Members of the Government from having seats in this House. Now, that is a question which was a century and a half ago very much debated, and, in fact, our whole system of Parliamentary Government is based on the provisions then adopted, after being discussed at great length ; and I for one do not think it would be advisable to adopt the change. The hon. Gentleman is probably aware that the offences of bribery and corruption have lately been the subject of investigation before a Committee up-stairs, which has reported and sent us down some thirty or forty Resolutions as the fruit of its labours. These afford matter for consideration on the part of the House, and will probably be found of sufficient importance to form the subject of a separate Bill. For my own part, however, I must say that, having had a good deal of experience in matters of this nature, I am not very sanguine with respect to the efficient working of any legislative provision for the prevention of bribery. If, as I have repeatedly observed, both parties to the offence are disposed to commit it—if the candidate is willing to pay £5 to an elector for his vote, and the latter is willing to receive it—they will not have much difficulty in acting upon their individual inclinations. The best mode of preventing bribery under those circumstances is, in my opinion, to preclude those who are guilty of it from obtaining the results which they proposed to themselves to accomplish. If a candidate, after having spent some £3,000 or £4,000 on an election, finds that for having done certain illegal acts he is deprived, by means of a Committee of this House, of his seat, much will be done to prevent bribery, inasmuch as it will come to be regarded as useless and unprofitable. I do not deny that while there are men having long purses who are desirous of bribing the poor voter, it will, as a matter of course, be difficult to provide against the offer being accepted—it was so before the Reform Act, and it is so now—it was the case at Gloucester and Wakefield, and may be again. But, on the other hand, if the rich man who is guilty of such practices fails as a consequence in securing the object for which he seeks, he will be deterred from repeating the offence. Be that, however, as it may, if the hon. Member for West Norfolk or any other Member thinks he has any proposal to make which will put a stop to bribery and corruption, I am not disposed to prevent an Instruction being given to the Committee.

MR. WHITESIDE : Sir, I confess I have heard the observations which the noble Lord has just made with some degree of disappointment. The question which we are engaged in discussing is not, I would remind him, one with respect to which the practical reformer can afford to indulge in speculation. It is, upon the contrary, one which addresses itself to the good sense and experience of the House, inasmuch as it involves the consideration whether the Bill of the noble Lord, as I will endeavour to prove is the opinion of the noble Viscount at the head of the Government, would not turn out to be more injurious than otherwise to the country if the question of bribery and corrupt practices were not in the first instance dealt with. The noble Lord told us in what the offence of bribery consists, alluding to an offer of £5 made by a candidate and accepted by the voter ; but he furnished no answer to my hon. Friend the Member for West Norfolk (Mr. Bentinck), who clearly demonstrated from the documents to which

he referred that bribery and corruption have been more prevalent since the passing of the Reform Act, and that it has prevailed more in boroughs than in counties; and having demonstrated that such was the case, he contends that the present is the proper time to grapple with so great an evil. Now, the subject is one to which our attention has already been drawn in the course of this Session. I find that on the 24th of January last a rather sharp discussion took place in this House on the Motion for issuing new writs for Gloucester and Wakefield. The Government was upon that occasion asked whether their contemplated Reform Bill would contain clauses striking at the root of the offence of which we are now speaking?—and the right hon. Gentleman the Secretary for the Home Department met the inquiry with his usual good sense. The right hon. Gentleman said there had been a Reform Bill and a Corrupt Practices Act, in order, as I suppose, to cure the mischiefs of the Reform Act. But my hon. Friend contends that the system heretofore pursued of having a separate measure for the Amendment of the representation, and then a separate measure to cure the evils which the representation Bill may cause, is an ill-advised course, and that, therefore, we ought to endeavour to grapple with the evil you mean to create, as the noble Lord does by his new Reform Bill. The right hon. Gentleman, on the occasion to which I have alluded, said, The Government have under their consideration—I do not place so much reliance on that—the Government have under their consideration a measure on this subject; we are prepared and hope to be able to introduce a Bill for materially altering the Corrupt Practices Act, and also for amending the procedure for the trial of election petitions. I quite agree with the right hon. Gentleman that that subject is important—much more important than the Reform Bill, because it goes to the purification of the House, whereas the noble Lord's Bill may add to the corruption that at present exists. I have no complaint to make of the speech of the right hon. Gentleman the Secretary of State for the Home Department, because he announced that the intention of the Government was drawn to this subject in connection with the subject of Parliamentary Reform; and the proposition of my hon. Friend is in exact consistence with the course which the right hon. Gentleman threw out. Then I find the hon. and learned Member for Nottingham (Mr. Mellor) a supporter of the Government, but an independent one, on the 31st of January brought in a Bill to accomplish something in this direction. That Bill had the great merit of being intelligible; and it would be important to say as much if one could of this Bill to amend the representation of the people. The hon. Member proposed to punish those who took bribes, and change, in some respect the law of evidence, and do several other things to enable him to grapple with the evil. On that occasion the noble Viscount at the head of the Government made a speech which showed his great knowledge of mankind and of Reform Bills, and I would, for a moment, draw the attention of the House to a single sentence spoken by the noble Viscount on that occasion.

MR. SPEAKER: That was a speech made in the present Session of Parliament, and it is irregular for the right hon. and learned Gentleman to refer to it.

MR. WHITESIDE: I have seen it somewhere in print, Sir. Our memory is sharp and good whenever the noble Viscount speaks, and on the occasion to which I allude he spoke so plainly that it was impossible to forget what he said. He differed from the noble Lord. He said the liking of bribery is not in the House of Commons, but among the lower class of the electors of the country. It is the inclination of the lower class of electors who have votes to be bribed that causes the mischief. This was the argument of the noble Viscount. The seat of corruption is not in the House of Commons—no body of gentlemen can be more anxious than they to put down corruption; but what can we do when we have a low class of electors willing to be bribed? What, then, is the Bill of the noble Lord? It will increase the number of those who are ready to be bribed, and so add to the mischief—not intentionally to be sure, so far as the noble Lord is concerned, for there is not a more sincere advocate for purity of representation than the noble Lord; but latterly he has been labouring in vain, for according to the noble Viscount the lower class of electors are the cause of the existence of bribery. That opinion, so announced by the noble Viscount, sufficiently justifies the Motion of my hon. Friend the Member for West Norfolk; because the projected Reform Bill will increase the mischief unless we grapple with it at once. My hon. and learned Friend the Member for Suffolk

(Sir F. Kelly) had also a Bill on this subject; but it was distinctly stated and admitted that unless the Government took up the subject, unless the Government either introduced clauses in the Reform Bill or brought forward a measure to accompany the Reform Bill, this great evil will never be redressed. The hon. and learned Member for Nottingham's Bill was read a first time, and on the 15th of February he got the advice invariably given by official men to their supporters, in this way:—Your Bill is excellent, the intention is good; but it will be better to leave it for future consideration. Let the matter rest; you have done your duty by bringing in the Bill; we do not intend to carry it; it is well meant; we will have a Committee—that is the usual way of shelving a subject of this nature for the Session. The hon. and learned Member was accordingly induced to give it up. [Mr. MELLOR: It stands on the paper still.] Well, it stands still, and is, I suppose, likely to stand still in all time to come. I thought it had been given up when the Committee, moved by the hon. and learned Member for Marylebone, was appointed to deal with the Corrupt Practices Act. The Home Secretary pronounced a strong opinion on the provisions of that measure. He said that a Committee or Commission had declared the Corrupt Practices Act to be of no avail, and therefore he intimated that the Government had some large, statesmanlike measure to put down corruption. The Committee were appointed; the Committee sat, and, as the noble Lord has stated, they drew up a formidable Report, containing thirty or forty recommendations. If that be so, we are now in a very favourable situation for dealing with this question; and I put it to the good sense of the noble Lord that it would be well to withdraw his Bill, which, according to the noble Viscount, by increasing the lower class of electors, will add to the mischief, and increase the corruption complained of. This will enable us to proceed with a measure that will do all the noble Lord anticipates, and put a check on practices against which the morality and virtue of this country have so loudly pronounced. The hon. and learned Member for Nottingham said the evil was not in the character of the people, but in the infirmity of the law. Where there is an inclination to be bribed, however, where poverty and destitution prevail, where there is a low class to be tempted by money, you cannot eradicate bribery and corruption; but you may do something to show your sense of the evil and its magnitude. I therefore think the Government are bound either by this Bill, or one accompanying it, to deal with this subject in the manner in which my hon. Friend has pointed out.

SIR GEORGE LEWIS: The hon. and learned Gentleman has made a speech in support of a Motion for an Instruction to the Committee, giving them power to insert certain clauses relating to bribery and corruption; and with a view of supporting that Motion he recommends my noble Friend to withdraw the Bill into which those clauses are to be introduced; thus, so far as I understand, rendering the Motion he supported entirely nugatory and absurd. I have no wish to engage the House in a premature and fruitless discussion on the subject of bribery and corruption. The hon. and learned Gentleman has given a perfectly accurate detail of what passed on the subject during this Session. It is quite true that I stated that Her Majesty's Government had the subject under their careful and detailed consideration; and it is true that they had prepared certain measures which, under other circumstances than those which have since occurred, they would have been prepared to submit to the House. But some other Bills were brought in which were referred to a Select Committee. A Select Committee was appointed to inquire into the operation of the Corrupt Practices Act. Of that Committee my right hon. Friend the Chancellor of the Duchy of Lancaster and myself were Members. It sat a great many times, took most important and valuable evidence, and framed a large number of Resolutions, which embraced the whole of the subject of bribery, and also the question of the amendment of the present Corrupt Practices Act. That Report is on the table, although it has not yet been circulated among Members, and will afford a basis for a reconsideration of the law whenever the time arrives when that task can be undertaken. I, therefore, think that, although the Committee may obtain under this Instruction the power of introducing these clauses, it will be far more convenient to consider the subject in connection with the amendment or rearrangement of the Corrupt Practices Act. That will be a far more advantageous mode of approaching the subject than that proposed by the hon. Gentleman. With regard to the question of the Members of the Executive Government having their seats

in this House, it is wholly unconnected with the subject of bribery and corruption. The present law is, that in general persons holding office under the Crown are not disqualified for voting for Members of Parliament except those connected with the Revenue Boards, and that is the cause why postmasters are disfranchised; but I believe there is no truth in the doctrine that persons holding office under the Crown generally are disqualified.

MR. KNIGHTLEY said, he had put a Notice upon the paper to move that it be an Instruction to the Committee that they should have power to provide for taking the poll at elections by means of voting papers. He believed that voting papers would, in a great measure, do away with direct bribery; but, upon consideration, he would not press his Motion. It was not unworthy of remark, however, that much of the bribery recently brought to light had taken place in the model boroughs—such as Wakefield and Huddersfield for instance—which owed their very existence to the passing of the old Reform Bill.

MR. WYLD had heard with extreme satisfaction the observations of the hon. Member opposite (Mr. Bentinck) about the necessity of adopting measures to put a stop to bribery, and he had hoped as the hon. Gentleman moved the Instruction to the Committee, that, as he had seen the evil, he would be prepared to furnish a remedy. However, he would himself propose to add to the Resolution of the hon. Member what would be a sufficient remedy, and that was, that the votes of electors should be taken by ballot. The hon. Member thought that the Bill for the amendment of the representation of the people would extend the area of corruption. He (Mr. Wyld) had no doubt that it would extend the area not only of corruption but of intimidation. The hon. Gentleman stated that bribery existed only in boroughs and not in counties; but those who were conversant with counties knew that, although there was no bribery there, yet there was intimidation to a great extent. He believed that the only remedy for this evil was the adoption of the vote by ballot. He should not have presented himself to the House at that moment but that he intended to move a clause in Committee to carry out that object. The necessity for some remedy was felt by every Member of that House. Unless some remedy against corruption was provided, he thought the Bill of the noble Lord would extend instead of diminishing the evil. He therefore begged to propose, as an addition to the Resolution, the words "And for that purpose that the votes of the electors be taken by ballot."

MR. SPEAKER: The hon. Gentleman is not in order. He will have it in his power to effect his object, by moving a clause in Committee; providing for the taking of votes by ballot, and therefore it was not competent for him to add words to the Resolution authoritatively directing the adoption of such a clause.

MR. MELLOR said, that no person had a greater desire than himself to see the laws for the prevention of bribery and corruption put on a sound basis; but a more inopportune Motion than that of the hon. Member for Norfolk he could not conceive. Why were they to mix one question with another? The country would not believe that this Motion was a real, a sincere, and an earnest Motion, brought forward under the circumstances under which it was brought forward. He should not hesitate to recommend to all persons on this side of the House not to vote for the Instruction of the hon. Member for Norfolk, because he felt that they would not proceed to consider that Instruction under circumstances at all favourable. Believing this to be a Motion not honestly designed to advance the amendment of the law, but simply to delay the progress of the measure of the noble Lord, he hoped hon. Members would not fall into the trap. If they did they would do so with their eyes open, and would lend themselves to the delay and prevention of the passing of this important measure, which he believed, notwithstanding all that had been said, the country did desire to see passed.

LORD ROBERT CECIL said, that it was very well for the hon. Member for Nottingham to pretend to a monopoly of purity and to cast reflections upon other hon. Members, but he begged to remind him of a scene which he witnessed in that House only the other night. He then heard the Attorney General state the necessity under which he felt himself of prosecuting two persons against whom charges of bribery had been made; and he saw several hon. Members rise up to ask the hon. and learned Gentleman not to enforce the full severity of the law. Among those who were most earnest upon that occasion was the great apostle of democracy, the hon. Member for Birmingham. With that stain upon the reputation of those who sat upon

the Ministerial side of the House in respect to purity of election, it did not become the hon. Member to cast reflections upon those who sat opposite to him. They had every reason to proceed with this Instruction to the Committee. They had had from two Ministers of the Crown declarations more calculated to raise alarm in the minds of those who dreaded the increase of bribery than any that it had ever before been his fortune to hear. The Home Secretary had recommended — and perhaps with great justice—that they should not proceed by way of Instruction, but should rely upon a Bill that was still to be brought forward, which would embody the recommendations of the Committee which had so long sat to investigate the subject. If that recommendation stood by itself it might deserve their attention; but then the noble Lord the Member for London said he had little faith in the passing of the measures that might be proposed on the subject of bribery: and they all knew what weight to attach to despairing words like those coming from a Minister on the 4th of June. If, therefore, no Instruction of this kind were adopted, and the Reform Bill were to pass, it would pass without there being any sincere intention on the part of the Treasury Bench to accompany it with a measure to secure purity of election. There were two ways in which the noble Lord's Reform Bill would increase bribery, which it was their duty to counteract. It both increased the number of bribees and the number of bribers. Which of two classes of men was more likely to accept bribes for their votes—those who could live without them, or those who could not? There could be no doubt that the man who had the most difficulty in maintaining himself free from embarrassment and debt would be the most likely person to sell his constitutional right. That opinion did not rest upon mere theory —it was proved by pregnant facts. What was the case with our Municipal Corporations? Had not bribery to an enormous extent been discovered in them? Yet in these Municipal Corporations the franchise was lower than in Parliamentary elections. On the other hand, in the counties, where the suffrage was considerably higher than in the boroughs, they knew perfectly well that not one case of bribery had been discovered, although many had been discovered in the boroughs. At Gloucester, Berwick, Norwich, Beverley, Hull, and other notorious places, there were large numbers of freemen; and that was the class from which the noble Lord proposed to take his new constituents. As they extended the area of the suffrage they would therefore also extend the area of corruption. But it was not merely on the bribees that the noble Lord's Bill would have this effect. It would have a direct influence in increasing the number of bribers. He did not believe they would ever reach that millennium when the poor man would refuse £5 when offered to him for his vote. But bribery might possiby be got rid of through the action of public opinion upon the class who offered bribes. What, then, would be the position in which they would stand after this Bill passed? They would have the power of legislation taken from the well-to-do class and placed in the hands of the poor. The power of taxing the rich would be possessed by the poor. All those questions of finance which that House now debated would then be decided by people who had not to bear the burden. When that tyranny existed was it to be supposed the wealthier classes would submit without a struggle to regain their rights, or make no attempt to restore that just and equal taxation which this legislation was refusing to them? On this point they had the example of America before their eyes. The hon. Member for Galway (Mr. Gregory), in a speech which much delighted and astonished the House, proved that in no place did bribery prevail on a larger scale than in that model Republic. There, when matters became very bad and the rights of property were likely to be infringed, the wealthier inhabitants of the same county or state united together and bought up all the elections at one fell swoop. If this Bill passed the same course would assuredly be taken in self-defence by the richer classes in this country. If, following the example of America, political power were transferred here to those who did not pay the taxes, depend upon it our wealthier classes would be found imitating the course pursued by the corresponding class in America, and endeavouring by corrupt and illegitimate means—but still by the only means left open to them—to obtain the justice that was denied to them. The subject of voting papers, which an hon. Gentleman (Mr. Knightley) had referred to, deserved the serious consideration of the House in reference to the question of bribery and corruption. The hon. Member for Pontefract (Mr. Childers) had lately attempted to prove, in a very able speech, that the ballot prevented bribery in Australia, but

he had only succeeded in showing that it would prevent what might be called "afternoon bribery; that was, it would prevent the purchase of votes by rival candidates who were running each other very close late in the day, by keeping from them the knowledge of the state of the poll. Now, by the system of voting papers "afternoon bribery" might be effectually prevented, for if a large number of voters sent in their voting papers only a short time before the close of the poll, it would be impossible for the candidates to discover at the polling places how the contest was going on, and, therefore, its adoption would secure all the advantages claimed for the Ballot without any of the debasing associations which belonged to secret voting. This was one only of many suggestions that might be made on the subject. In conclusion, he urged upon the House that the main danger to be apprehended from this precipitate change was a vast increase of electoral corruption, and that they would not be doing their duty to their constituents unless they bound up indissolubly the questions of reform and purity.

MR. E. P. BOUVERIE said, the practical question before the House was, what was the best mode of checking practices which they all equally condemned. The hon. Member for Norfolk wished to accomplish that object by introducing clauses for the purpose into a Bill which he said would increase corruption, because it would extend the franchise. That was the chief burden of the hon. Gentleman's song. The hon. Gentleman was for insulting the constituencies about to be reconstructed by adopting stringent provisions for arresting that deluge of corruption which he so confidently predicted. That, however, was neither the right time nor the right way for dealing with this question. A Committee to whom the subject had been referred, had, after much deliberation, made their recommendations to the House, and they had almost a pledge from the Home Secretary to bring in a Bill embodying those recommendations and enabling the House to deal practically and substantially with this question. The hon. Member for Norfolk was not anxious to expedite the passing of the Reform Bill; his great anxiety was to stop corruption, and his mode of doing that was by tacking on to this Bill provisions which he hoped would have the effect of detroying it altogether. How did the matter stand before the House? They had six Resolutions to be moved on the Question "That the Speaker do leave the Chair," and also eight pages of Amendments to discuss when they got into Committee. Without imputing motives to the noble Lord who spoke last, he must ask, that if to the eight pages of Amendments already on the paper were to be added ten or twelve more on the subject of bribery, what possible chance could there be of passing this Bill? The real object of the hon. Gentlemen opposite, although they had not the courage to avow it by making a distinct Motion to that effect, was to delay this Bill, so that it might not reach the House of Lords. He hoped the House would not consent to an Instruction that would only make confusion worse confounded.

SIR GEORGE GREY wished to explain that his noble Friend (Lord John Russell) said that he would assent to the Instruction but without pledging himself to the details. All the noble Lord said he would do was, that if the hon. Member for West Norfolk wished to propose in Committee some provisions tending to prevent bribery and corruption, he would not shut him out from doing so; and to that extent only was he prepared to accede to the Instruction. He desired merely to reserve for the consideration of the Committee whether it was expedient to mix up those provisions with the Reform Bill, or whether it would be better to proceed by way of a separate Bill, founded on the recommendation of the Select Committee to whom the subject had been referred.

MR. A. MILLS said, he repudiated, in common he believed with those on his side of the House, the imputation cast upon them by the right hon. Gentleman opposite (Mr. Bouverie). He desired, and he said it conscientiously, that this Bill should be passed in an amended form during the present Session, and it was a monstrous and very unfair imputation to make against those who were desirous merely of moulding it into a satisfactory and statesmanlike shape, that their suggestions were made with a view to delay the measure. He had a specific reason for supporting the proposition of the hon. Member for West Norfolk, because it raised the question whether into this so-called Reform Bill they should introduce clauses to purify the representation of the people, or leave that object to be attained by a separate Bill based on the recommendation of the Select Committee which had just reported on that department of the subject. For his own part,

he thought that provisions against bribery and corruption at elections should form part of a great measure for reforming the representation of the people. Out of doors far more interest attached to this question than to the problem of extended representation. The Corrupt Practices Amendment Bill, if passed this Session, would have precisely the same origin and the same objects as the Corrupt Practices Bill itself; and it would be in the recollection of the House that a right hon. Gentleman who had sat in Parliament for a quarter of a century had declared, before a Commission appointed to inquire into the corrupt practices of a certain borough, that he had always treated that Act as a dead letter. Now, it appeared to him important that they should frame their laws in such a way that hon. Members should have their attention called to such measures, and should not treat them as "dead letters." Some hesitation would be felt, for instance, in saying that a Reform Bill, if passed, was at any time to be considered as a "dead letter." With respect to the causes and remedies of electoral corruption, many theories and opinions had been advocated. It had been said that the effect of the Bill being to increase the number of electors, it would necessarily increase the amount of corruption. He did not think this at all a necessary consequence, nor that corruption would be necessarily increased by lowering the franchise. He did not believe that the very poorest people were the most corrupt; but he did believe that the main source of the evil was to be found in that House itself, in the principle, or more properly speaking, want of principle, by which hon. Members sought the suffrages of the electors. He, therefore, maintained that it would be absurd and useless to attempt to pass any Bill for a real Reform in the representation of the people so long as such practices as those which were disclosed before the Wakefield and Gloucester Commissions were allowed to take place with impunity. He did not allude to any of the cases of bribery that actually occurred; but when a right hon. Gentleman who had been upwards of twenty years a Member of that House, stated that he had employed a gentleman to send down £500 to a certain borough; when it was admitted that that gentleman passed under a false name, and was at the same time employed in bribing another town; when it was further proved that the agent selected by the right hon. Gentleman employed a sub-deputy who shammed illness at Gloucester, and employed a barmaid to telegraph to London for more money, under the name of "medicine;" and when that right hon. Gentleman, upon being asked whether he did not consider the sending of £500 under such circumstances a corrupt practice, protected himself by saying it was an unfair question, he (Mr. Mills) maintained that when such subterfuges were practised it was idle for them to attempt any legislation. He said, let them make an effort, if they could, to improve the system in that quarter in which it most needed improvement—namely, in the principle upon which hon. Members attempted to obtain the suffrages of those electors whom they aspired to represent. If they voluntarily closed their eyes to the inevitably corrupting tendencies of their own acts, what was the use of legislating against them? If, however, they did attempt legislation, let them not trust to chance, or depend upon the results of a Select Committee, but deal with bribery and corruption as the most scandalous of those abuses which they were called upon to eradicate by a great and comprehensive measure of Parliamentary Reform.

Sir JOHN HANMER said, in allusion to an observation made by a previous speaker, that, as far as he remembered, he might have stated that nineteen years ago the payments at Hull were made in the way of head-money; and he remembered that, when the Report to which the hon. Member had alluded was issued, he had not agreed with the Committee about that election, and for a very good reason; namely, that it was then not at all certain whether the payment of head-money was illegal. After 1841 a Bill was actually passed declaring such payments illegal: and this showed that the doubts he had entertained were tolerably well founded. But, however, with regard to the principal question now at issue—namely, what was the best way of stopping illegal practices at elections?—he certainly thought it a great mistake to suppose that bribery would be promoted by an extension of the suffrage, or that the disposition to accept or offer bribes was to be found more in one part of the community than another. It was a simple fact—he would not mention names—that the most corrupt election that had ever taken place since the Reform Act, was a county election. He knew, of his own knowledge, that that election was petitioned against; and that the Member

thought himself an exceedingly lucky individual when he got out of the Committee-room by resigning his seat. ["Name, name."] It was quite unnecessary to mention names; the fact was recorded in the blue-books, and he was ready to show it to any hon. Member who wished to see it. It was not an election in which he was concerned. For his own part, he thought the best way of putting down bribery was greatly to extend the franchise; because his experience had taught him that the most honest of all electors were the "scot-and-lot" voters [*laughter*]. This, he could assure hon. Gentlemen was a simple fact. Bribery might be likened to the dry rot, and ought to be treated in a similar manner by being "put down," as soon as it was discovered. The best way was to put in force the laws against bribery. The existing laws against bribery were stringent enough; and if the process of disfranchisement had been resorted to oftener, it would have removed the necessity for this Reform Bill, which was troubling everybody, and consuming unnecessarily the time of the House. As soon as a constituency was discovered to be corrupt, it ought to be wholly or at least partially disfranchised; and a vacant seat should not be suspended, as in the case of Sudbury and St. Albans, but transferred to a more deserving constituency. Had that course been pursued in times past, not only would a great impression have been made upon bribery and corruption, but the state of the representation would have been considerably improved. Let the House deal with constituency by constituency, applying the law in every case of proved corruption, and there would be no occasion to pass "comprehensive measures of reform." If a Reform Bill were to be passed at all, he said, as he had said many years before, that the most extensive measure was the best.

MR. H. BERKELEY said, though he was not a great admirer of the Bill, he would accept it; but he desired that it should be known throughout the country that the obstruction that had been offered to the Bill did not proceed from that (the Ministerial) side of the House. Nothing could be more mean than the opposition to this Bill on the other (Conservative) side of the House. ["Order, order!"] He would correct the phrase, and say nothing could be more improper than the way in which a great party opposite had banded themselves together to oppose this Bill in an indirect way. After the numerous speeches they had heard, none of them ending with any Resolution whatever, and after the numerous adjournments they had had, it was rather calling upon their credulity too much to ask them to believe now that they desired to make purity a prominent element of the Bill, and that that was the reason why they sought to amend it. The country was perfectly well aware that the Bill was excessively distasteful to hon. Gentlemen opposite, and that they would do everything in their power to prevent its passing. Something had been said about protecting people by means of voting papers. If the noble Lord (Lord R. Cecil) were decidedly in earnest, and wished to correct the impurities of our elective system, he would not talk of voting papers, but he would adopt the only real remedy—namely, the Ballot. This Bill would certainly be thrown out, for it could not stand against the delays that had arisen to stop its progress. It was perfectly understood that it would be thrown out by indirect means. He did not think the Government were in fault, for they had done their best to pass it. All he would say was, let those hon. Gentlemen who thought proper to reject the Bill take the consequences with the people on their own shoulders.

MR. COLLINS thought that if the House wished to put down bribery and corruption, they ought not to throw upon individuals the great expense of Election Committees, which, in the case of the Berwick Committee, was estimated at £1 per minute. Bribery was the only offence put down at the private cost of individuals. If hon. Members were in earnest in wishing to put a stop to corrupt practices at elections, the only course was to throw the cost of prosecuting the inquiry, if a *primâ facie* case were made out, upon the Consolidated Fund, or some other public fund. The inquiry was a matter of public concern, and the expense ought to be defrayed by the country; which was actually done in the case of an Election Commission.

LORD JOHN MANNERS said, the hon. Member for Bristol (Mr. H. Berkeley), not having the fear of the right hon. Member for Kilmarnock before him, had thought fit to prolong this already long debate, and to make a sweeping charge against all who sat on that (the Conservative) side of the House, as if they, and they alone, had been the cause of the delay that had occurred at the several stages of the Bill.

But the hon. Member would remember, that of all the speeches that had been made on the second reading of the Bill none was so animated, so vehement, and so damaging to the Bill as that he had himself delivered. Great wits were said proverbially to have short memories, and it was perhaps excusable, therefore, considering the early period of the Session at which it was made, that the hon. Member should have lost sight of his own opposition. He (Lord John Manners) could not, however, permit the charge so unnecessarily and unjustly brought against the Opposition by the hon. Member to pass without a word of protest. He must also remind the hon. Gentleman that after the declaration made by the noble Lord (Lord J. Russell) the House might have passed from the Instruction moved by his noble Friend (Mr. Bentinck) to other Motions of which notice had been given; for the noble Lord said he had no objection to this Instruction. Upon the principle that there was "nothing like leather," the hon. Gentleman evinced untiring energy in the cause of the Ballot, and put it forward on every occasion as the only remedy for bribery and corruption; but had it not been for such speeches they would have long since passed this stage of the Bill, and have been discussing the next step. Again, he protested generally against the charges that had been brought against the party with which he had the honour and privilege to act. If there had been any delay in the progress of the Bill through the House, it was to be attributed, not to hon. Gentlemen on that (the Opposition) side of the House, but to the unpopularity that had attended it from its first introduction.

Mr. SLANEY said, it was greatly to be lamented that hon. Gentlemen should attribute motives, and that charges should be bandied about; such personalities were not favourable to the progress of the Bill. He belived that if both sides would make fair and candid concessions some practical result might be arrived at. He could not forget that hon. Gentlemen opposite had brought forward a large measure which showed they were in earnest in responding to the desire of the country for a settlement of this question. No Reform Bill could pass through Parliament without mutual concessions, and, if the present measure were considered in that spirit, a Bill might be framed which, if it were not put into shape this Session, might pass in the next Session. The question of Parliamentary Reform might thus be put to rest for a quarter of a century to come. It was most desirable that a settlement should be come to now, when the country was in the enjoyment of peace and prosperity, for if the adjustment were deferred, times of difficulty and trouble might interpose an effectual barrier to its proper consideration. If the borough franchise proposed by the noble Lord's Bill were too low—and he believed it was too low—let a clause be brought in raising it somewhat. There were many Members on the Opposition side, and he also knew there were many Gentlemen on his (the Ministerial) side of the House, who thought the £6 rental too low. Let them, therefore, go into Committee and see whether a £6 rating, or some other qualification, could not be adopted to meet these objections. Everything might be arranged satisfactorily by mutual concession, and it was most important that such a measure should be carried in a period of tranquillity. He trusted that there would be no more bandying of accusations from one side of the House to the other, and that they would all endeavour, in a spirit of good feeling and mutual concession, to settle this important question.

Mr. STEUART said, as there was but little chance that such a spirit of mutual concession as the hon. Member who spoke last had recommended, he trusted that he should not be chargeable with creating unnecessary delay to the progress of this Bill if he expressed his regret that it was not accompanied by some measure for putting down bribery and corruption, for it appeared to him essential that provisions for the prevention of corrupt practices should accompany any enlargement of the constituency. The payment of the travelling expenses of voters, for instance, was one of the most insidious and prevalent forms of bribery, and it should be prevented. The Reform Bill which was introduced by the late Government a twelvemonth ago did contain some provisions which would have had that effect, because the system of voting papers would have removed all those opportunities of bribery and treating which were presented by the conveyance of electors to the polling places. It was now proposed, by giving the franchise to every £6 householder, to extend the area within which bribery might be exercised. He would not inquire whether voters of the poorer class were more liable to corruption than those belonging to a grade

above them; but with regard to the municipal franchise, it appeared from the Report of a Committee of the other House that bribery and undue influences did prevail to a very large extent amongst those who were entitled to exercise the municipal franchise; yet it was now proposed to extend the suffrage in Parliamentary elections to that very class. He could show cases in which the influences created at the municipal elections, by the payment of ten shillings or some other small sum to voters upon those occasions, became afterwards the most insidious means of gathering parties together in the borough, and securing the votes of a certain class at the Parliamentary elections. He thought, therefore, that the noble Lord and the Home Secretary ought not merely to have assented to the Instruction moved by the hon. Member for West Norfolk, but should have pledged themselves to introduce, as part and parcel of the Bill, provisions for dealing with bribery and corruption. Before many days it was probable that the recommendations of a Committee of the House of Commons on the best means of putting down this great evil of electoral corruption would be laid before the House, and it would be right to take that subject into consideration. He would not, therefore, pledge himself to support this Reform Bill in its future stages, and he did not think this late period of the Session would admit of its being passed into law; but he would sincerely and entirely disclaim any disinclination to add to the existing constituency at least as large a number of persons as the noble Lord's Bill proposed to add to it, though he differed with the noble Lord as to the means by which it should be done, and he thought the principle of selection would give a purer and better class of voters less liable to be acted upon by corrupt motives. He was quite willing to adopt a test of fitness, which would place the franchise in the hands of the most intelligent portion of the working classes.

MR. DARBY GRIFFITH said, he protested against the principle which the right hon. Gentleman the Chancellor for the Duchy of Lancaster had seemed to lay down, that if the noble Lord agreed to the Motion, and the House adopted these Instructions, the Committee should only accept them with certain limitations. He demanded that these Instructions should go to the Committee without any limitation whatever, inasmuch as they related to a most important part of the present subject of legislation. In was in vain to talk of extending our electoral system, unless we first did something to purify it; the very first step, whether in moral or physical operations, must be to purify the elements with which we had to deal. He did not wish to deny that very honest voters might be found amongst persons in a low class of society; but there could be no doubt that the persons of that class who were open to corruption might be tempted by a bribe of much lower amount than those in a different social position, and this he said without meaning to cast any imputation upon their morality, as compared with other classes. The natural gradations of society found distinctions in themselves; and 5*s.* might bribe one man while £100 would not buy another. The whole subject had lately been exposed to the House in the case of those boroughs which had been shown to be stews of corruption. At the close of last Session the writ was moved for Berwick, when it must have been perfectly well known to hon. Gentlemen on the Treasury bench that there was a corrupt engagement between the two parties that one should vacate the seat and another should take it. He objected to the writ being issued, but if he had called for a division he should not have had a teller to go into the lobby with him. Corruption was encouraged on the Treasury bench, and every Government, formed from whichever side of the House it might be, was under the temptation to wink at transactions when they operated in its own favour. If it were really desired to extinguish corruption, the Members of peccant boroughs should be transferred to new constituencies, as was proposed in the case of East Retford. The noble Lord adopted that principle in his Bill of 1852, and it was the only way to obtain purity of election. It was the first step which they ought to take, and therefore nothing could be more germane to the Committee than the Motion of his hon. Friend the Member for West Norfolk. He required and demanded that it should have full operation as an Instruction to the Committee, and he disclaimed any participation in any understanding which would mitigate the responsibility of the Committee to give full effect to it.

SIR MINTO FARQUHAR said, the hon. Member for Shrewsbury (Mr. Slaney) who was well-known and esteemed for his philanthropic views, had made an appeal which was rather an appeal to their charity than anything else. But he was inclined to take

an uncharitable view of the appeal, and the more so because the hon. Gentleman was one of those who last year had the opportunity of doing that which he was afraid the hon. Member did not do — namely, allow the Bill of the right hon. Gentleman the Member for Buckinghamshire to go into Committee. Considering the charitable view which the hon. Member takes of things, I think it was rather hard of him to seize this opportunity to deliver a body blow at the noble Lord's Bill; because he intimated that in Committee he should endeavour to raise the franchise above that which was proposed by the noble Lord.

MR. SLANEY: I beg the hon. Gentleman's pardon. I did not say it was my intention to do so, but that I could wish to see it done.

SIR MINTO FARQUHAR believed the hon. Gentleman said he should like to see it done, which was very much the same thing. The whole argument of the hon. Member for the Flint burghs (Sir J. Hanmer) was also opposed to the Bill, which he well described as giving trouble to every one and satisfaction to no one. He was perfectly satisfied that nothing could be more honest than the intentions of the hon. Member for West Norfolk, and he could not conceive a more opportune moment for proposing such an Instruction. It was of the utmost importance that, if they passed a Reform Bill, they should introduce means to put down bribery. It was said that hon. Members on that side were taking this course merely for the sake of delay; but he wanted to know why hon. Members on that side were debarred from taking any constitutional course possible against a Bill to which they objected. The Bill was a very simple one, it was true, but it gave a preponderating power to one class of electors. The noble Viscount at the head of the Government said last year:—

"I feel quite as much as many do that you ought not, by admitting a large numerical majority of the least instructed part of the community, to swamp the better class of voters and overwhelm the fair influence of property and intelligence. I am ready to admit that it is not only ignorance that ought to be excluded from governing intelligence; but those who have no property ought not to be the persons to direct the legislation applicable to those who have property."

He (Sir M. Farquhar) maintained that no speech could more strongly militate against this Bill. This Instruction was an endeavour to carry out the principles there laid down, and he should therefore give it his cordial support.

Sir Minto Farquhar

Motion *agreed to.*

Instruction to the Committee that they have power to make provision therein for the better prevention of bribery and corruption at Elections.

MR. HASSARD rose to move—

"That it be an Instruction to the Committee to frame and insert in the Bill a form of Oath in lieu of those now taken, to be taken by each Member of this House on taking his Seat, without any distinction as to religious denomination or profession."

MR. ENNIS had also given notice to move—

"That it be an Instruction to the Committee that it is expedient that one uniform Oath should be administered to all Members on taking their Seats in this House; and that such Oath shall be in future that of allegiance and fidelity to the succession only."

MR. SPEAKER: It appears to me that the two Instructions, both of the hon. Member for Waterford and the hon. Member for Athlone, are equally out of order, and for a reason entirely different from that which I was obliged to assign in the previous cases. Those Instructions were out of order, because it was competent to the Committee to take the subjects of them into consideration without an Instruction; but the Instructions to which I now allude are out of order, because it would not be competent to the Committee to take the subject of them into consideration, even if these Instructions were agreed to. It is a rule of the House that all Bills and Motions relating to the oaths of Members must pass through a preliminary Committee of the Whole House, and be introduced afterwards on the Report of the Resolutions of that Committee. If it were attempted to introduce into this Bill in Committee a clause relating to the oaths of Members, it would be passing over that preliminary stage which this House has thought important, and indeed essential, in regard to this subject. I believe this to be a fatal objection to the proposal of both Instructions.

MR. SEYMOUR FITZGERALD asked, Whether it would be competent to move an Instruction to the Committee to insert in the Bill such provisions with reference to a new form of Oath to be taken by Members as should hereafter be agreed to in Committee of the Whole House, and reported to the House?

MR. SPEAKER: I think it would be an irregular and inconvenient course to give the Committee a conditional power—a power to do something in the event of something else being done. It is entirely

unnecessary, also; for if the proper steps are taken, if a Committee of the Whole House is appointed, and alterations in the oaths agreed to and reported, it would be competent then to move an Instruction to the Committee to insert such alteration in the Bill. As this can be done when the act has been effected, I would not recommend the House to take an anticipatory step.

LORD JOHN RUSSELL: Sir, I rise now to move that you do now leave the Chair; and in doing so I cannot refrain from noticing the objections which have been made, not only in this House but out of doors, to the provisions of the Bill; and I will also take the opportunity of stating what course the Government intend to pursue. In the first place I will answer the Question put to me by an hon. Gentleman on this side of the House a short time ago, whether it was the intention of the Government to proceed with the Scotch and Irish Bills in the course of the present Session. I said then that I could not give him an answer, at the moment, but that I would state the views of the Government on a future occasion. I now say that considering that, according to our opinion, the English Bill should go into Committee, and a settlement of the franchise be agreed on and assented to by the House before these two other Bills are proceeded with, we cannot expect that either the Irish or the Scotch Bill could be proceeded with in the course of the present Session. As regards Scotland and Ireland, therefore, the series of measures we have proposed for a reform in the representation would be incomplete. But that does not seem to be any reason for not proceeding with the Bill which stands for Committee to-night. Well, Sir, with regard to this Bill, I must state the position of the Government and of the House in respect to it; and in doing so I do not intend to state the position of either one side of the House or the other, nor to make any reproach to the other side of the House with regard to their conduct on this Bill; but I will simply state the position of the House generally, including both sides. In doing so, I wish seriously to call the attention of the House to the subject, because, if the character of the Government is involved in the measure which they have introduced and in their time of introducing it, the character of the House is also implicated in the mode in which they deal with it. There are two different questions arising in regard to the Bill; first, as to its substance; and next, as to the time at which we propose to go into Committee on it. With regard to the substance of the measure, I will only mention one point; but it is the point on which during the debates on the second reading almost all the objections taken to the Bill, and all the descriptions of it as a measure destructive of property, giving igrorance power over intelligence, and tending to create confusion in our representative system, were based. What I speak of is the borough franchise, and that franchise, without now going into the rate at which it is proposed to fix it, is intended to give the right of voting and certainly greater power in the representation to the working classes. Now to that proposition various objections have been made. It must be admitted, without entering into what was done in 1832, that at the present time very few persons belonging to the working classes have the right of voting. In the debate last year an hon. Gentleman, now the Member for the West Riding (Mr. F. Crossley), stated that though he had many men in his employment—men of great intelligence, householders, in whom he had great confidence—not one of them had the right of voting. Similar statements have been made in debate in the course of the present year. Is the objection to this Bill, then, that some of the working classes would be admitted, or that it would give them overwhelming power over the rest of the community, and thereby an undue influence over property? With regard to the first objection, so long ago as 1852 the right hon. Gentleman the Member for Bucks stated that he was glad—I do not quote from *Hansard*, but I have the passage perfectly in my memory—that I admitted that the working classes ought to have the franchise. Again, when we were discussing the measure of last year, the Motion which was submitted by me to the late House of Commons and carried by a majority, in the first place objected to the proposed transfer from the counties to the boroughs of the county freeholders, and in the next place, to the non-reduction of the borough franchise—that is to say, to the non-admission of the working classes. When the Parliament was dissolved upon that vote, on our return here the right hon. Gentleman the Member for Bucks stated, in words which I have quoted on a former occasion, that the Government to which he belonged, and of which he was the organ, agreed that the country had made up its mind that there should be a reduction of the borough franchise, and that they were

prepared to assent to such a reduction, accompanied with such provisions as would guard the safety of our institutions. The right hon. Gentleman spoke, and I hope he still speaks, as the organ of the great party opposite; though I have seen it stated—and I have seen it in print—that the right hon. Gentleman has no longer the confidence of that great party. [*Cries of* "No, no!"] I have seen it in print, and I will state where I have seen it; I read it the other day in a periodical which is supposed to be the organ of the Conservative party—I happened to be coming into town, and I read it in *The Quarterly Review*. There was great abuse of my right hon. Friend the Chancellor of the Exchequer—I was not surprised at that. There was great abuse of myself, and a number of motives were invented for me by this obscure writer. I was not surprised at this, either. But, as I read on, I was very much surprised, for I found that this organ of the Conservative party declared that the right hon. Gentleman the Member for Buckinghamshire, to whom certain faults were imputed, was unworthy of the confidence of the great party of which he is the head. ["No, no!"] I quite agree with the expression of dissent from that opinion, because the right hon. Gentleman has won his way to the high position which he holds by his great ability in the conduct of public affairs; and, whenever it has been his fortune to pass from that side of the House to this, and to lead the House, his management of business has shown that he was fully equal to the discharge of the high functions entailed by his position. Therefore, I may take notice of the opinions of the right hon. Gentleman as one who has long possessed, and who still possesses, the confidence of that great Conservative party. [*Cheers.*] Then, I say, with regard to the question whether or no any of the working classes should have the franchise, and whether there should be a reduction of the borough franchise for that purpose, we have not only the affirmation of the Liberal majority of the last Parliament, but we have the consent and co-operation of the right hon. Gentleman the organ of the party which last year sat on the Government benches. Well, we have proceeded in this direction. The present Government have introduced a Bill which they thought did not carry the franchise lower than it ought to be placed. We may be told—you may decide—that we have had too much confidence in the intelligence, too much faith in the integrity, of the classes who live in houses at a moderate rent. That you may say; but it is not a question of principle; it is only a question of degree. And, indeed, if you dissented altogether from the reduction of the franchise, if you thought on principle that there ought to be no reduction, it is quite clear that you should have opposed the second reading of this Bill. You did not do so; and, therefore, I conclude that you are ready to consider the question of the reduction of the franchise, and how far it should go. And, consequently, I think I am justified in asking both sides of the House to go into Committee; because, the principle being admitted, the next point is, to what extent should that principle be carried? I stated that, after mature deliberation, we had proposed the franchise contained in the Bill. I have since heard many objections to that franchise. I have heard it said that it would quite overwhelm property and intelligence. That again is a question for Committee. And this I will say, that, if you will propose any of the measures that have been mentioned this evening either for raising the franchise by making it a rating instead of a rental franchise, or by increasing the amount of the rental, or in another way that has been pointed out, by admitting a great number of voters who are distinguished by property, or by a high degree of knowlegde from those belonging to the working classes, any proposition of the kind shall be fairly considered by us in Committee. We certainly shall not declare ourselves so completely wedded to the franchise which we have put forward that we will not submit to treat on the subject. If, in Committee, such a proposal as I have alluded to be made, and if the House should prefer it to that which we have originated, it will be our duty to see whether the Bill with such an alteration would be a valuable measure, whether it would extend the franchise in a manner that would strengthen the institutions of the country; and, in that case, though we might not think it a change for the better, we should be ready to adopt that alteration. I will not speak—there is no necessity to speak—of other parts of the Bill; there is certainly no need to refer to the county franchise, which, of course, would greatly depend on the opinion held by this House, with regard to the extent of reduction in the borough franchise. I will only say that I think we are in a position to go into Committee on the Bill, and

to decide this important question. If you objected altogether to the reduction, it was your duty to have opposed the second reading, and you should have refused to name a day for the committal of the Bill; but, having agreed, without opposition, that the Bill should be read a second time, it is now the duty of the House of Commons to consider in Committee the particular proposals which the Government is to submit. I will take the first objection which has been urged—with regard to the time at which this Bill is brought forward. Notice has been given of other Amendments, but the objection to which I particularly allude is one taken by an hon. Friend of mine (Mr. Mackinnon), whom I understand to contend—

"That in order to obtain a safe and effective reform, it would be inexpedient and unjust to proceed further with the proposed legislative measure for the representation of the people until the House has before it the results of the Census authorized by the Bill now under consideration."

I must say that, without imputing to any hon. Member a desire for mere delay, I cannot reconcile that Motion with any wish to pass a Bill for the extension of the franchise within a reasonable period. The Census will be taken in 1861, but it can hardly be before the House in a full shape before the end of the Session of 1862. This is, therefore, to propose that we should not undertake a settlement of the Reform question for the next three years, whatever might be the circumstances, whatever demands might be made, however strong might be the feeling that there ought to be an Amendment in the representation. Why, that is a proposal to put it off for ever—nobody could understand it to be otherwise. And on what excuse is this proposition founded? I have spoken of the objections that Gentlemen have entertained to the borough franchise. Now, I may say the exceptions taken to the borough franchise do, in fact, comprehend all the salient objections to the Bill. During the six nights' debate on the second reading of this measure those were the questions that were raised, those were the objections that were entertained—I am not imputing now that they were not very sincerely entertained—but how does the Census of 1861 bear on the discussion? We have returns—you say that you find fault with them—but we have returns up to the year 1858 which do not depend on the Census of 1851, but which are dependent on the rate-books of the year 1858, and which you might have for any time, even to a later period. Therefore, that question, which is the one mainly in dispute, has nothing to do with the Census of 1861; and it is a mere evasion of an obligation, it is merely putting off, on a very hollow pretence, that which is really the question before the House. I will say—and can any man contradict me?—that neither the £6 franchise for boroughs, nor the £10 franchise for counties, are in any way affected by the Census. You may say that a £6 householder is too poor, that he is ignorant, that is too likely to be bribed. When you have all the volumes of 1861, and a precise enumeration of persons, and the number of men, women, and children in every house in every parish, you will be no wiser as to the character of £6 and £10 householders than you are now. There is only one part of the Bill that it does affect—a portion of the Bill which it has been said, and with very great truth, does not much alter the question, and is capable of being argued at one side or the other—I allude to the redistribution of seats. We have taken a certain number of seats from places containing less than 7,000 inhabitants—not because the number of 7,000 is absolutely, geometrically, and arithmetically necessary in order to entitle a borough to return two Members, any more than, according to the Bill proposed last year by the Government which then sat on these benches, the number of 6,000 was necessary to entitle a borough to send two Members to Parliament; but we said it is desirable that places with a very large population which are insufficiently represented should return some of those Members now elected by boroughs which are at the bottom of the scale. There may be a transposition of one or two of these boroughs, but no one can alter their position in fact—these are the boroughs which have the smallest populations and are of the smallest importance. It may be that one will be able to show that its population has risen, while another has fallen off to the extent of 500 below the number named, and by waiting till 1863 we may arrive at a knowledge of that curious fact as relates to some particular borough; but as regards the general interests of the country—as regards the great question of representation—as regards Yorkshire, Lancashire, Manchester, Leeds, and Birmingham—such questions have no importance in themselves, and in the eyes of men who wish to deal with the subject of Reform can hardly be made a ground for postponing this Bill for three years. I

wish to view these questions with reference to the character of the House of Commons. I am speaking to this point not with any reference to the opponents of the present Government, as if they were bringing forward questions with a view to delay, for the proposition to which I am referring is brought forward by a supporter of the Government. But I put it to the House of Commons as a serious question for them to consider. If they think this a dangerous and revolutionary Bill, they may say that they do not think it is their duty to entertain it further, and in so doing they would come to a clear and deliberate conclusion. But if they say that having given a second reading to this Bill, having nominally entertained it and professedly given consideration to it, they will now put it off on the paltry pretence that three years hence we shall have more information on the subject, nobody will believe in the sincerity of the assertion. I come now to other excuses with regard to time which I have seen put forth. One of these is that it is now the 4th of June, and too late to enter into the consideration of this measure, because we have the remaining Estimates for the year to discuss. If this were a question of the Army or Navy Estimates I could understand the objection, because they certainly are Estimates of very grave importance; but when it has reference to the Miscellaneous Estimates I cannot conceive, when we have a measure of such supreme national importance before the House as that involved in the representation of the people —for even those who oppose it must admit its importance—I cannot conceive how it should be pretended that there is such need for haste in the consideration of those Estimates that we cannot, in consequence, proceed with the Amendment of the representation of the people. Recollecting, partly, what has passed in former years, I looked into the record of our proceedings to see what were the times when, no dissolution of Parliament having taken place, this House has usually considered the Miscellaneous Estimates; and I found that in 1851 they were considered on the 7th, 11th, 14th, and 17th of July; that in 1853 they were considered on the 4th, 5th, and 8th of August; that in 1854 they were considered on the 3rd, 6th, 7th, 24th, 25th, 27th, and 31st of July; in 1855, on the 26th, 30th, and 31st of July, and 1st and 2nd of August; and in 1858, on the 5th, 8th, 9th, 12th, 14th, and 15th of July. Such, therefore, has been the custom of the House of Commons for six or seven years, when there was no dissolution of Parliament. It may be urged that in several of those years there were measures of such supreme importance before the House, that it was agreed on account of them to put the Miscellaneous Estimates off for a time. But it is quite clear that though these Miscellaneous Estimates furnish very interesting occasions of discussion —though they very often give rise to interesting debates on education in Great Britain, and education in Ireland, on questions of religious liberty and endowments connected with the *Regium Donum*, on the administration of criminal justice, and the application of the fine arts to the Houses of Parliament, and other matters of a similar kind—yet it has not been in the power or the inclination of the House very much to reduce these Estimates. I remember that once, indeed, the House refused permission to the Crown to purchase two pictures of Sir Edwin Landseer's—admirable pictures of animals, which, no doubt, were very desirable for the decoration and adornment of the House of Lords. On another occasion the House refused to sanction the salary that was paid to a gentleman who was sent abroad by the trustees of the National Gallery to choose pictures. But the practice of the House has been to pass the Miscellaneous Estimates without any reduction; and I think if I were to appraise the economy effected in Committees of the House during the last few years at £2000 a year, I should be exaggerating. Then, how can I believe that all of a sudden there has sprung up such a desire for economy, that such a spirit of reduction and retrenchment has seized upon the House that the Reform Bill cannot be proceeded with, because the Miscellaneous Estimates have to be considered? I am told that in the last year or two there has been a change made by which there is not such a large surplus left as used to be in the hands of the Government, to be applied to the Civil Service at the end of July, or the beginning of August, without taking any vote; and, therefore, it might be necessary for the Secretary to the Treasury, as he did the other day, to ask from time to time for a Vote on account. But that is a question of detail, which it is not now necessary to consider. I say again, as I said with regard to the Census, that if this House were to determine, from a sudden zeal, to reduce the Civil Service Estimates, or to discuss such questions as the fine

arts or education in Ireland, that they would not consider this Bill till the Month of August, then I believe that the sincerity of the House would be much distrusted, that the country would not believe in this sudden zeal for retrenchment; but that it would attribute the course they had taken to a desire to get rid of the Bill without having the manliness to do so by a direct vote. With regard to the time at which we have arrived, I have to say that we are now at the beginning of June. The Session generally goes on till the beginning, the middle and sometimes to the end of August. There is no reason why there should be an earlier prorogation this year than usual. There is no time positively fixed for prorogation. We are not, like the American Congress, under the necessity of proroguing on a certain day; and if we have important business before us—business that it is desirable to settle—there is no reason why we should not do so. Why the House of Lords should not undertake that, I do not see. They have undertaken many measures of importance at the same time at which they may receive this Bill; and I do not see why they should not receive it at a period when it would be possible for them to arrive at a decision regarding it. I have thus stated the reasons why I think the House should go into Committee on this Bill. Let me remind the House that it is uncertain at what other period you would be able again to bring forward this measure. You have decided to give the Bill a second reading after six nights' debate. If it were brought on in another Session, you would have to go through the second reading again, and hear all those arguments over again; probably with much the same result. That would be a consumption of the time of the House, and a very unnecessary delay of the measure. But who can insure that you shall have a fit occasion on which the question might be raised. Who can answer for the state of the public mind or the altered condition of the times? You might have, as we have now, a time of tranquillity at home, and also of peace with all the nations of Europe; but you might have a period of commercial distress at home, and war threatening us abroad, when men would be loth to enter into questions of this kind, and when, certainly, you would not be able to give them calm and deliberate consideration. If you can make up your minds as to what the franchise should be; if you can either adopt the proposition of the Government, or some other proposition that would seem to be wiser, and better fitted to improve the representation with safety to your institutions—then, I say, is is for you calmly to consider whether or not you ought to come to a decision now. We have done our duty in bringing the question before you; and it is for you to deal with it and dispose of it. Do not forget, likewise, that the language used with regard to the £6 householders, and with regard to the poorest of those who by means of it may come to have the franchise, has been such as may in a time of prosperity be lightly passed by, but that it may come back to the memory in a time of commercial distress, and may well cause irritation. I have alluded to an article in a periodical which is generally supposed to represent the great party opposite; and this is the way in which they speak of those who may be enfranchised by this Bill:—

> "Some say that the publicans will be our masters; others declare that it will be the Trades Unions. It is a blessed choice between debauchery and crime."

That is language which is likely enough to sink into the minds of the people. I believe that among the working classes many are to be found possessing greater intelligence and equal integrity with householders of £10 a year, many of whom are beer-shop keepers and small shopkeepers. What will they think if we debate this Bill upon the question, "Whether we shall be governed by debauchery or crime?" Can such insulting language be expected to produce no effect? If you enter upon the consideration of this Bill, and settle what your franchise shall be—extend it as you please—it will have a composing effect, and will tend to satisfy the country that you have fairly considered this subject; but if you leave the question with the declamation that took place on the second reading—erroneous as that declamation was—depend upon it you will dig a trench between the working classes and the richer classes, which you will afterwards repent. I therefore ask the House anxiously and earnestly to go into Committee upon this Bill, and examine its provisions carefully and narrowly. If you think its provisions are rash, insert safer provisions; but do not attempt, with such a question before us, either to evade or conceal its importance; for if you do you will produce a feeling of doubt as to your sincerity, and sacrifice all respect for your decisions. I move, Sir, that you do now leave the chair.

[*First Night.*

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. DISRAELI: Sir, I am not surprised that the noble Lord should have seized this occasion, after the preliminary discussions we have had, to take a general review of those discussions, and to attempt to meet some of the objections that have been raised. In the few remarks that I shall make, I hope I shall do so in the same candid spirit as that in which the noble Lord has addressed the House. It appears to me that the noble Lord has occupied half the time devoted to his observations to giving reasons why the Conservative party should have consented to the second reading of his Bill, and then to complaining of the Conservative party for having allowed the second reading to pass. The noble Lord has stated accurately enough—and if not with perfect accuracy in no spirit of unfairness, I am confident, but perhaps from his being misled by the interval that has elapsed since the casual observations I made respecting the franchise and the working classes—he has stated to the House that so long ago as 1852, I being then a Minister of the Crown, expressed my opinion that if a measure of Reform were again brought forward—the noble Lord having recently failed in one of his attempts—that it was much to be regretted that both in the measure of 1832, and in subsequent measures of the noble Lord's, the fair claims of the working classes had not been considered. That is not an opinion that I expressed in 1852 only, or which the great body of Gentlemen on this side of the House professed on that occasion solely. That has always been our opinion, and I think in 1859, although there may be a difference respecting the mode and means by which we endeavoured to carry that view into effect, there is no one doubts the sincerity of our attempt to give in some degree a direct representation to the working classes by the measure we then proposed. The noble Lord also states that, after the last general election, I, on the part of the Conservative Government and my political friends generally, recognized that the verdict of the country must be taken as one in favour of some reduction of the franchise in boroughs. I am not aware that any one on this side of the House wishes to shrink from that opinion. But the inference that the noble Lord has drawn from these circumstances appears to me to be rather inconsequential. It may or it may not be a necessary deduction from all that has passed that we should vote for the second reading of this Bill for the representation of the people; but it is not one of the necessary consequences of those opinions or of those pledges, that we should approve of the policy of the noble Lord in this matter, or of the mode in which he has attempted to carry that policy into effect. Assenting to the general principle of the measure, we did not oppose the second reading; but when the noble Lord says all the rest is matter of detail, he has quite forgotten that he came forward on the earliest occasion when he introduced this measure in a spirit very different from that by which any Minister had before been animated with reference to this question, and pursued a line of reasoning very different from that which had been adopted on any previous occasion. The noble Lord came forward and introduced a Bill for the amendment of the representation of the people of this House, and recommended it for adoption as being founded on the principle of numbers. Having laid down that principle, he very properly said—"Documents shall be placed in your hands from which you will be able to collect an opinion as to the *data* on which the policy of the Government is founded, and sanctioned, and recommended." The noble Lord cannot pretend that the accuracy of these estimates has not been gravely impugned; he cannot pretend that the objections to their accuracy are not of a weighty description. He cannot forget that, in "another place," the question has been considered so important as that the labours of an eminent Committee have been unceasingly given in order to arrive at the truth upon this subject; and if we are to believe general rumour, the result of their investigation is in accordance with that generally and widely circulated opinion which the people of this country generally entertain upon the subject. But while the policy of the noble Lord depended on these facts—the policy of the noble Lord being that of entrusting political power to a certain number, and being the first Statesman who ever came forward in this House and said we ought to lay down such a rule. The statements of the noble Lord being not only suspected but impugned—he cannot be surprised that Gentlemen on both sides of the House, although willing to consider the question of the Amendment of the representation of the people—though

they may be ready and desirous to a certain extent that all classes in the country should be directly represented in this House — still, at the same time, should recoil with apprehension from a measure which is, perhaps, founded upon grave inaccuracies, and upon statements which, if incorrect and acted upon, may entail upon the country the gravest consequences. So far with reference to the general observations of the noble Lord with respect to the opinions of those who sit on this side of the House, and on the apparent inconsistency in their conduct. I think the noble Lord failed in that—failed in succeeding to establish any inconsistency. We accept and adopt that which we have always professed; we are not the enemies of the working classes. I think we have shown that often and I think the general policy of the Tory party, as it is termed, has been one not unfavourable to the interests of the working classes. But feeling that the political franchise is not be considered as the privilege of a class, but as one to be exercised for the benefit of the country—we have to consider when a class is brought forward as claiming the franchise, not merely whether they shall enjoy the personal privilege, but whether that privilege shall be enjoyed to such a degree that it shall give that class a preponderating power contrary to the general interests. Therefore, so far as the observations with which the noble Lord prefaced his remarks are concerned, I do not think he succeeded in establishing any fair cause of complaint against Gentlemen sitting on this side on account of their Parliamentary conduct in this respect. If it be a matter of complaint by the noble Lord that the most important measure a statesman can bring forward in this country—one which affects the depository of power has been severely, and perhaps, completely examined, I am sure the noble Lord must feel that there have been on his own measure, and on his own side, critics as keen, as able, as eloquent, and as assiduous as any on this opposite bench. I could understand the tone of the noble Lord if he were about to fulfil the important programme with which he commenced the Session. I could understand the noble Lord if, remembering the late period of the Session, and the objections to proceeding with the measure at the present moment, the noble Lord were to say, "Gentlemen may urge these as exceptions to my conduct, and argue that the time and season are no longer fair and opportune; but I, on the part of my Colleagues, give my assent to the great policy we have recommended. All your objections are of a trifling character in comparison with our convictions of the importance of our policy; and whatever may be the convenience or inconvenience to the House, or the menacing features of the times, we still believe that this is a policy of a vital character, that ought to be pursued and carried, and, whether or not the Parliamentary Session be continued without prorogation for six months longer, carry it we will." That, however, is not what the noble Lord has said; but he talks of the paltry objections which have been made to his measure, and of the paltry course of conduct pursued in the House in regard to it. But what does the noble Lord himself do? Parliament is to be reformed, and he commences the Session by introducing three measures of Parliamentary Reform. The representation of England, of Ireland, and of Scotland are all to be amended. The representation of England, however, is to be the model representation, in accordance with which the others are to be fashioned; and the noble Lord is stern and stiff as to the conditions upon which this Amendment of the representation of the country is to be accomplished. The noble Lord remembers very well that, when in opposition, he gave a programme upon which he claimed a verdict from Parliament which led to its dissolution, and which forced the country somewhat against its will to what probably was a premature decision, speaking under the responsibility of an expectant Minister, he defined the franchise on which he called for a verdict from Parliament and an opinion from the country. But what have we heard to-night? That two of the three Reform Bills are to be given up! And that, with regard to the other, the House may do what it likes with the franchise! Thus the high policy which destroyed a Ministry and dissolved a Parliament has melted away! He will accept anything, if the House will but agree to something that may shuffle this great impediment to progress out of the course. Anything the House will settle by the end of the Session will be accepted by the Government! Well, that may be very discreet; it may be a very wise course for the noble Lord, in his present position, to give these moderate counsels and make these temperate offers; but, I ask, is this the Minister who ought to talk of "paltry" behaviour on the part of the House of

Commons? Having just occupied such a position, and made such an address as the noble Lord has done, while all that has occurred is still fresh in the memory of Parliament and the country, is this the Minister who should regard the conduct of this House as "paltry?" The House listened, I am sure, with no hostile feeling while, calmly and in well-selected words, the noble Lord stated the course he intends to take; but every one must have felt that the policy he has recommended to-night offers a strange contrast to the policy he recommended from this bench with respect to Parliamentary Reform. And the tone and temper with which this measure was brought before us when the House first met, contrasted with that of the statement made by the noble Lord to-night, must not be looked on merely in relation to the convenience of the Minister, or as a mere consequence of the party conflicts of this House. The question is too great and has too deep an interest for such considerations. The noble Lord, after all his fanfarronade in Opposition, after having fully matured his scheme, in the responsible position of a Minister of the Crown, comes forward to-night and proposes that we should reconstruct the whole constituency of England, totally omitting the consideration of the constituencies of the two sister kingdoms. To say nothing else of it—is this a constitutional course? I will not say it is a "paltry" course, but certainly it is a way of cutting the Gordian knot which I think the House, on reflection, will hardly sanction or admire. We have always heard, when this question of Parliamentary Reform was brought forward, that the Bills reconstructing and revising the constituency of the three kingdoms should proceed *pari passu;* and that there were sound constitutional reasons for such a course in 1832 no one can dispute. But of late years other questions have arisen. We have had claims by Members for Scotland and by Members from Ireland for a greater share in the representation to those countries. We have always told them that the proportion of Members could not be settled in a manner satisfactory to us without taking the claims of English constituencies into consideration. What will Members from Ireland and Scotland say now, when they are told that the question of the representation of England is to be decided in this month of June, 1860, and that the revision and resettlement of their constituent bodies is to be postponed certainly for another year? What will become of their claims for an increased representation? I give no opinion on those claims now—it is unnecessary. But I must remind the House that no Gentleman from Ireland or from Scotland will be able to urge such claims with any effect when the question of the English representation has once been settled to the satisfaction of this country. Suppose, notwithstanding the tranquil state of public affairs,—and certainly we have a description of the present state of things which, coming from the lips of the Secretary of State for Foreign Affairs, must be considered most encouraging—suppose the tranquil state of affairs happens to be changed in the course of next year, what then would be the situation of Gentlemen from Scotland and from Ireland? It may be most inconvenient——nay, it may be impossible—to amend the representation of Ireland and Scotland next year. Notwithstanding the all-pervading tranquillity of Europe, the noble Lord may find troubles next year which may so absorb and engross public attention, and so monopolize the care and watchfulness of the Government—especially of the statesman who occupies the office which the noble Lord now fills—that we may not find time to amend the Representation of Ireland and Scotland. Well, and what are you going to do with the amended representation of England? Do you mean to appeal in the interval to that revised constituent body? Are we to have a partial dissolution of Parliament? Are the Members of Parliament for England, elected by the new constituency to meet here the Members for Ireland and Scotland elected by the old? Or, in the midst of your difficulties, will you seek to avoid this embarrassing state of affairs by having no dissolution whatever? What, then will be our position? We who represent England will sit here in a condemned Parliament. Session after Session, year after year, we shall have large bodies of our countrymen saying—"That man calls himself the Member for Buckinghamshire. I have a vote in the election of Members of Parliament, but I never voted for him; and he has no right to be there!" Though I can, perhaps, bear such a test as well as most, I can well conceive a state of things that might be very embarrassing to some hon. Gentlemen on either side of the House. When is this to happen, and at what time is it that Parliament is to be placed in so uncertain

and inconvenient a position? I cannot agree with the noble Lord in that sanguine view, which, animated by his faithful adherence to the principles of Parliamentary Reform, he has to-night taken of the prospects of the country. I am not and I never have been an alarmist. I know it is possible to exaggerate danger, and that exaggeration of danger is as likely to lead to a depression of public feeling, as it may sometimes induce a high and patriotic tone of mind; but taking the calmest and gravest view of public affairs, I think I am justified in saying that much is going on that may, and should, excite the anxiety and engross the attention of the country. Is this, then, a period when Parliament should be left in the dislocated state in which the plan—for I cannot call it the policy—of the noble Lord contemplates leaving it? I cannot believe that on calm reflection the House can sanction the policy of dealing with the representation of England, without at the same time dealing with the representation of the sister kingdoms. I cannot believe that the House will run the chance of leaving the representation of England condemned as a Legislature with the prospect of meeting next year in the midst of immense danger, and amid all those circumstances which will require that the country should look up to us with respect and confidence, which cannot be if an Act passes both Houses declaring that the representatives of England are not competent to the performance of their duties, and are not worthy of public confidence. This is a grave position. The noble Lord has come forward to-night, not to make a mere ordinary observation on going into Committee of Supply, but to announce a policy in dealing with these measures which will startle the whole country. He has made an announcement which, in a constitutional, in a national point of view, is one of the gravest announcements ever made to Parliament—namely, that we should reform the representation of England without any security that the representation of Ireland and Scotland shall be reformed. Such a proposition has never before been made to Parliament by any Minister. Is there anything urgent that we should pursue so unprecedented, so indecorous a course? On the contrary, the noble Lord, even at this immense price, does not contemplate accomplishing the policy which he recommends. Whatever he has said respecting the working classes, he has no conviction of the absolute and Imperial necessity of the measure which he originally brought forward; nor has he any conviction that if it were carried it would accomplish and fulfil its purpose. What does he tell us? "If you do not like this, for God's sake, propose something else, and I give you to understand that your proposition will be received by the Government in a candid and fair spirit." What does that mean? It means that the Government have no settled policy whatever which they intend to carry out. Giving up Ireland, giving up Scotland, coming to the Members for England and asking them to place themselves in the despicable position described, calling upon the House to legislate in this scrambling fashion—all this proves that there is no conviction of the necessity of this measure, no confidence in its provisions. It shows that the noble Lord, from the first exercising a fatal influence—as I told him when I sat opposite to him, and he occupied these (the Opposition) benches—exercising a sinister influence on the fortunes of his party and on his own reputation, was induced to recommend a policy in Opposition which it is impossible for him to accomplish as a Minister. It shows that the noble Lord is hazarding the safety of the country, in order, not that he may realize a fair reputation, but that he may terminate the question in a manner nothing dignified, and which is hardly respectable, by recognizing that in Opposition he was exempted to pursue an unwise, immature, and—I will now say—even a factious policy. Then the noble Lord turns round with what I should have thought was mock indignation to one of his supporters, who had absolutely been so presumptuous as to conceive some decent means to extricate himself and his colleagues from the painful position they occupy. One hon. Gentleman thinks it would be just as well that we should wait till we have accurate, authoritative information as to the number of the population. This the noble Lord thinks paltry, compared with his own conduct. Why, the noble Lord has virtually confessed to-night that he is prepared to give up the marrow of his Bill, that he is prepared to change the rate of franchise which when in Opposition he laid down as indispensable; and with what face or reason can the statesman who brings forward a measure for amending the representation of the people, and who founds his measure on the principle of numbers, turn round and reproach his supporter for saying, "If this be the

principle on which your measure is to be based, let us at least take care that we have the most ample, the most authentic, as well as the most novel and recent information on the subject?" I make these comments on the remarks of the noble Lord. I think they are fair and just comments. Yielding none of the opinions which I have ever expressed in this House upon Parliamentary Reform—believing, as I hope I may, that upon this subject, the *Quarterly Review* notwithstanding, I am expressing the opinions of Gentlemen around me—I am not afraid to say that I think it most impolitic at this moment to attempt a settlement such as that projected by the noble Lord. If, indeed, the noble Lord had the power to deal comprehensively and completely with this question—if he came forward and said, "I have here a comprehensive policy for England, for Ireland, and for Scotland, and the principles and conditions upon which we propose the power should be allotted in these countries have been long considered and deeply matured; by them we are prepared to stand or fall; and even perhaps with impending war and impending revolution we feel that such a policy will strengthen the commonwealth, increase the public courage, and animate the public spirit of England"—in that case we might deem the noble Lord and his colleagues rash; we might think them ill-advised; we might regard the occasion as full of danger; but all must admit that this would be the policy, assured and determined, of eminent men, such as they undoubtedly are, and that, if not entitled to adoption, it would at least command respect. But when, in a moment of undoubted danger, when at a period of almost certain peril, the noble Lord comes forward after all with no policy, with a compromise which, to use his own epithet, I must, indeed, call "paltry," I see no safety in such a course, I recognize no security in such proceedings; but I feel that at a time when this House should stand high and the country should be united, we are recommended to take a course which will enfeeble the one and may dishonour the other.

MR. MACKINNON rose, pursuant to notice, to move a Resolution that, in order to obtain a safe and effective reform, it would be unjust and inexpedient to proceed with the proposed legislative measure for the representation of the people until the House had before it the result of the Census authorized by the Bill now under its consideration. He was fully sensible of the importance of the question now under the consideration of the House; having been so long a supporter of a Liberal Government, he was aware the situation in which he was placed was an extremely awkward one; he, therefore, felt it to be his duty to state to the House the reasons that induced him to take the course which he was about to adopt. He might add that he had given notice of his Motion without any communication with Her Majesty's Ministers. He had for the last ten years conscientiously given all the aid in his power to the policy of the noble Lord at the head of the Government in the hour as well of his adversity as of his prosperity, while during that period he had never received at the hands of the noble Lord a single favour either for himself or for any member of his family. It was with some reluctance, then, being, as he was, a general supporter of the policy of the present Government, that he felt called upon to make the present Motion. He did so, however, in the belief that the measure was not popular in the House or in the country, and not because he entertained any objection to it on personal grounds; for neither his own seat, nor that of a near connection of his, would, he believed, be at all endangered by it passing into a law. It was, he might add, a somewhat singular fact that a Motion, such as that to which he was now about to ask the House to assent, he had himself made in reference to the Reform Bill of 1831. In submitting that Motion to the House in his maiden speech in the July of that year, he contended that it was not expedient that the House should proceed with the Reform Bill then under its notice until the Census of 1831 had been taken. The Motion was rejected; but, in considering the cause of that rejection, it must not be forgotten that the cry at the time was, with respect to Reform, "The Bill, the whole Bill, and nothing but the Bill;" and that almost every person who was returned to that House stood pledged on the subject. Yet, notwithstanding that state of things, his Motion was defeated in a full House only by a majority of 74. What, let him ask, followed? The Bill was not passed that year; and the next year the Census he advised in his Motion was actually taken. Now, he should wish hon. Members for a moment to consider the different position in which the question of Reform at present stood as compared with the year 1831. In

that year the country was mad for Reform, and the middle classes were determined to put down the system of boroughmongery. At the present day the state of public opinion, to the progress of which he had paid the utmost attention, afforded a marked contrast on the subject. Some few of the upper classes at present were, perhaps, disposed to wish to see the county franchise lowered to £6. The middle class, which was most influential, was against this Bill, for the simple reason that they were likely through it to be swamped by numbers. If one in a hundred among the middle class could be found in favour of the measure, that was the largest proportion. Then what necessity was there to push on the Bill at railway speed before the Census of 1861 was obtained? In Marylebone, where he resided, a vast amount of wealth and population had been created since the last Census, and yet it was proposed, in reference to the Reform Bill, to pass over the great increase which had taken place in the prosperity of the country, and to go back to the Census of 1851. The hon. and learned Member for Marylebone (Mr. James) had distinctly stated that, if the present Bill was passed in this year, another Bill must be passed in the next. The hon. Member for Birmingham (Mr. Bright) had also distinctly declared that he was not satisfied with the present Bill, but regarded it as a stepping-stone to another, being resolved to take all he could, and then to get more. The Reform Act did not pass until after the Census of 1831, and at that time the country was anxious for the measure; but now it was proposed to pass the present Bill before the Census of 1861, though the country did not care a farthing for it. Could anything be more absurd? Now, with regard to the lower classes, what was their opinion about the measure? They had little or no opinion on the subject. He happened to know something of the working classes, having for two successive Sessions been the Chairman of the Committee for considering the state of the law between masters and operatives, and in consequence he had obtained some insight into the feelings of the lower classes, and he could honestly and conscientiously say that the lower classes—he was speaking of the operatives, who had very great power in this country—were by no means anxious for the Bill. It might be said that this was mere assertion, but he would prove it. He had had the opportunity of speaking very often to the persons forming Committees of working people throughout the country, and among the working classes were to be found men who, though of no great education, were of extremely strong minds. He would read a letter from one of those individuals, a member of the Executive Committee of the National Association of United Trades in London, whom he told to express honestly and candidly his own opinion and the opinions of his fellow workmen, observing that the writer would get into disgrace with them, when his letter should be published, if it did not state the circumstances truly and fairly. The letter was dated the 16th April, 1860, and was as follows:—

"Sir,—Seeing the use which some parties seem desirous to make of the working classes in order to secure the passing of the Reform Bill of Lord John Russell, allow me, however, to assure you that as far as I am able to judge of their feeling on the matter, they are perfectly indifferent about it, and, for all the excitement or agitation that exists, there might be no such measure before the country. In London, if there is any feeling at all upon the matter, it is rather against than in favour of the Bill, because it entirely and intentionally excludes the most thoughtful, sober, and intelligent portion of mechanics from its operation, simply from their inability to do more than occupy apartments, though many of them pay £15 or £20 a year rent. A Reform Bill which purposely excludes this portion of the people from its operation cannot be very captivating to them, and therefore the House of Commons need not be surprised at the evident apathy and indifference of the working classes to Lord John's little Bill; nay, further, their very silence is not perhaps so much indifference as it is positively contempt for the measure; but, whether or not, they are evidently indifferent whether the Bill becomes law or whether it follows the fate of its predecessors. The only demonstration held by the working classes arising out of the Bill was that held in Hyde Park on Sunday, April 15, when it was denounced in no very complimentary terms as a sham, a delusion, and a snare, and other terms not very flattering. There is another point to which I wish to draw your attention, and that is the appeal of Mr. Bright to trades' unions, to send delegates to meet in London and so to bring a working-class power to bear upon Parliament. This, however, is a vain and empty appeal, which Mr. Bright knew very well, if he knew anything of trades' unions, that in every one of which, in every part of the country, political questions of every shade and complexion are most rigidly excluded, and for this reason—if political questions were permitted to form a part of trades' unions, their discussions would lead to dissension, dissension to dissolution—a consummation which would no doubt be highly gratifying to the hon. Member for Birmingham, but which would be regarded by the working classes as a great calamity. This being the case, you may depend there is no danger of trades' unions responding to Mr. Bright's appeal. It is the same with regard to the various friendly and benefit societies of the country. The hundreds of thou-

sands of working men forming those institutions are all strictly forbidden or prohibited from introducing to their meetings all questions of a political character, so that these societies are not likely to endanger their existence by becoming the instruments of any political party to ensure their interests."

The letter was signed "Edward Humphries," and in every point of view he sincerely believed that it was a correct representation of the feelings of the working people. He did not know whether it was worth while to trouble the House with any further testimony of the same kind. He would read one other communication he had received:—

"To Mr. W. A. Mackinnon, M.P.

"Sir,—I have observed through the public press that you have given notice in your place in Parliament to move, on going into Committee on the Reform Bill, that it is inexpedient to legislate upon that question until after the census is taken in 1861. This course I believe to be sound policy, because the measure is based upon old and unreliable *data*. Many of the present Parliamentary boroughs which are proposed to be partially disfranchised have, since 1851, materially changed their character in point of population, wealth, and importance; others, proposed to be retained, have diminished on all those points, and will still continue to grow less in importance, and yet still will send representatives in equal force with the large constituencies of the country. The Bill does not give satisfaction to any class, because it is framed upon a false basis. It has been recommended for its simplicity, but it closes the door against all who do not pay their own rates, and shuts out of the list men of intelligence, station, wealth and independence of character, to make room for men who, in all probability, will be forced to the poll in shoals to vote for their masters or the masters' nominees. I believe your Motion to be an urgent necessity, in order to prevent injustice being done to the people at large. To legislate upon evidence nine years old would be to commit a great error, and in many instances great wrong. The Bill, if passed to-morrow, would leave the question as unsettled as ever. It is an ugly shaped piece of mechanism, unseemly to the eye, uneven in construction, and unfair to a large mass of the people of this country. I hope you will be successful in your Motion, because it will allow time for a proper Bill to be matured on a safe basis—one that shall secure to intelligence and moral worth a voice in the country, as a counterpoise to the ratepaying class.

"I am, Sir, your obedient servant,
'Thomas Winters.

"No. 3, St. John's Place,
"Smith Street, Kennington, May 1860."

Was it not absurd then, he asked, to suppose that the lower classes felt at all interested in the passing of this Bill. Nor was the Bill more acceptable within the House than it was popular out of doors. He had asked one hon. Member, for instance, what he thought of it, and the reply he received was, "Oh, I hate the Bill; it is a good-for-nothing, bad measure." "But," he asked, "How will you vote?" "Oh, I will vote for the Bill." "Why, will you vote for a bad Bill?" "Oh," was the reply, "the Lords will throw it out, and so we shall get rid of it." He asked another Member how he meant to vote? The reply was, "I hate the Bill, but I think I shall vote for it." "Why?" "Because the British lion would be up." Upon which he replied that the British lion would be done by the Bill, for the lion's teeth and claws — the army and navy—if the Bill passed, would be reduced, and the British lion would then become a sneaking wolf. He did not like to make personal observations. His wish was to treat the hon. Member for Birmingham (Mr. Bright) with all the courtesy to which he was entitled. He regarded him as a man of strong mind, but he must frankly say that hon. Gentleman did not possess that power which he seemed to suppose. He had some influence over the lower classes in Manchester, in Birmingham, and also in Rochdale, but there his influence ended. He had seen a flock of sheep, while enjoying their verdant pastures, driven by a butcher's boy and his dog into a pen and there slaughtered, and the scene reminded him of the Member for Birmingham driving the House of Commons into the Reform Bill. They were called upon by this Bill to introduce a new element into the representative system which would swamp all the others. Was it fair or right that individuals with little or no education or property should legislate for all the other classes of society? As Chairman of the Committee in relation to masters and operatives, he had put a number of questions to Mr. Potter, the Secretary of the Associated trades of London, who stated that he corresponded indirectly with 600,000 operatives throughout the country; and over whom he had a certain influence. Let them consider for a moment the great danger of admitting that number of operatives to the elective franchise. The noble Lord calculated on the enfranchisement of 200,000 £6-pounders; but the Chancellor of the Exchequer stated that this was a great mistake —that the number admitted would be much less. All this showed clearly that neither had very distinct or accurate notions on the subject. He believed they would have at least 600,000 operatives entitled to the franchise. They must take not only those who now were £6 householders, but those who would be £6 householders. In every city,

town, and borough, speculative builders would run up £6 houses; and what would be the result of having 600,000 operatives invested with the franchise, acting under one head? They would swamp the entire constituency. The lower classes, without education, or property, would be making laws for the educated and wealthy. Either the middle and upper classes would be so frightened about their property that they would court a sort of dictatorship, as had occurred on the Continent, or the Chancellor of the Exchequer, whoever he might be, would, to please the people, abolish indirect taxation, and substitute direct taxes of 20, 40, or even 60 per cent—a very comfortable way of depriving all the middle and the upper classes of their property. If this Bill passed into law the rights of the Crown would not be respected, and, as it was said to the Sardinians, "If you cannot fight for liberty you do not deserve it," so he said to the gentlemen of England, "If you cannot preserve the Constitution you do not deserve to have one."

SIR HENRY STRACEY seconded the Motion.

Amendment proposed,—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in order to obtain a safe and effective Reform, it would be inexpedient and unjust to proceed further with the proposed Legislative Measure for the Representation of the People until the House has before it the results of the Census authorized by the Bill now under its consideration."

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR GEORGE LEWIS: It will not be necessary for me to trouble the House at any length in answer to the observations of my hon. Friend. The speech which he has delivered is in fact, as it seems to me, a complete anachronism. It must have been intended to have been delivered upon the second reading of the Bill, as an introduction to a Motion for reading it a second time that day six months; but my hon. Friend unfortunately forgot to deliver it upon that occasion, and has presented it as a preface to a Motion relating to a totally different subject. I therefore hope that the House will not expect me to follow him through the oft-iterated topics of which we have heard so much during the last few months with regard to the large addition to the constituency which would be effected by the present measure, the overwhelming of knowledge and property by ignorance and poverty, and those other general arguments which have been so often used on one side of the House, and so often answered on the other. The most weighty part of my hon. Friend's remarks, as it seemed to me, was one of the two letters which he read to the House, and which he stated were addressed to him by members of the working classes, or at any rate, by members of some of those committees connected with trades which constitute themselves for the time the representatives of the working classes. I understood that letter to assert the Bill before the House to be "a sham, a delusion, and a snare," which I took to mean that this Bill, professing to enfranchise the working classes, would not, if passed into law, confer upon them any substantial political power. Unless that was the meaning of the letter, it seemed to me to be totally destitute both of meaning and applicability. Well, Sir, what I wish to know is, how is that view of the Bill to be reconciled, not only with the view which is taken on the other side of the House, but with that taken by my hon. Friend himself, who argued that this was a democratic measure, and that it was inconsistent with the maintenance of the influence of property and intelligence, and of the Constitution as by law established? The plain and obvious tendency of that letter, which he paraded to the House as a great discovery and as a great revelation of the esoteric feelings of the working classes, was in fact a complaint that this Bill did not go far enough, that it was too limited in its operation, and that it did not include within its provisions a sufficient number of the working classes. There was one expression, indeed, which it was somewhat difficult to comprehend—namely, that this Bill excluded all the thoughtful portion—I think that was the expression—all the thoughtful portion of the working classes. Now, I profess myself utterly unable to comprehend by what process of interpretation the author of that letter was able to discover that a franchise which admitted the occupiers of houses of between £10 and £6 a year rental to vote for Members of Parliament, would include the thoughtless portion of the working classes, while it carefully excluded all the thoughtful portion of that section of the community. I think that, when the House

reflects upon the contents of that letter, it must come to the conclusion, first, that it is founded upon a very partial and imperfect view of the facts of the case, and in the next place, that it was utterly inapplicable to the purpose to which my hon. Friend applied it; and that, so far as it had any logical effect whatever, it entirely disproved the conclusion which he sought to establish. I will now, during the few moments which I shall detain the House, address myself to the proper object of my hon. Friend's Motion—namely, the postponement of the further proceeding with this Bill until the Census of next year shall have been taken. In the first place, the Census of next year will, if the Bill now upon the table receives the sanction of Parliament, be taken in the month of April next, and its result cannot by possibility be in the hands of Parliament in time to form the foundation for legislation during next Session. Therefore, the necessary effect of postponing all proceedings upon this Bill until after the results of the Census shall be in the hands of Parliament will be to render legislation on Reform during next Session impossible. That may be matter of congratulation or not to hon. Members; I merely state it as a fact that those who give their votes for the postponement of the Reform Bill until the Census shall have been taken will vote for its postponement beyond the period of next Session, and until the year following. With regard to making the Census a reason for postponing the proceedings upon this Bill there is one obvious remark which must occur to every one—that is, that the Census has no bearing upon that which is the disputed and contested part of this Bill. Those who have attended to the debates upon the second reading of this measure must be aware that they turned almost exclusively upon the question of the franchise; they turned mainly upon the question of the borough franchise—whether or no it should be lowered from £10 to £6, or any amount lower than £10. To a very slight extent did they turn upon the question of the transfer of seats in the manner proposed by the present Bill. Therefore, the ground of postponement now alleged applies exclusively to that portion of the Bill which is not the main subject of dispute in this House. With regard to the question of the Census itself, and to the ground which has been taken for the transfer of seats, there is no clause in the Bill which says that all boroughs under 7,000 of population shall lose one of its seats. That is a proposal only mentioned in debate by my noble Friend in introducing the measure. All that we ask the House to agree to is the partial disfranchisement of certain boroughs, and the transfer of the seats to certain other boroughs and counties. It is stated as a ground for the selection of these particular boroughs that they come within the line of the 7,000. But there is no peculiar charm in the number 7,000 any more than in the number 6,000, the limit proposed by the late Government. It was necessary to take some number by which the disfranchisement should be governed, and it is quite immaterial whether it should be 7,000 by the last Census or 7,500 according to the Census of next year. The material point is —what is the relative position of the boroughs selected as compared with the other boroughs or districts? And if it should turn out, according to the next Census, that the boroughs we have selected stand in the same relative position to other towns, it is perfectly unimportant whether the population of the highest of them should prove to be 7,000 or a few hundreds over that number. Unless, therefore, it can be shown, as I maintain it cannot, by probable argument, that the relative position of these boroughs is likely to be materially influenced by the Census, the reason assigned for delay by my hon. Friend must entirely fail. I defy any hon. Gentleman to prove that there is the smallest justification for postponing our decision till the Census shall be taken. That which is material is to ascertain what are proportionally the twenty-five—or any other number you choose to select—lowest boroughs in point of importance and population to be subjected to disfranchisement. That fact is not likely to be altered by waiting for another Census. The ground assigned for postponing our decision is so utterly inadequate, so trifling, as to have all the appearance of a mere pretext for the sake of delay. The line can be equally well drawn under the Census of 1851 as under that of 1861. Let me add I am much inclined to think that, even if we have the option, it is better to adopt the Census made at a time when there was no prospect of a Reform Bill being proposed which was to be made the foundation of disfranchisement, such disfranchisement to be based upon population, than to adopt a Census which will be taken with the knowledge that its re-

sults will affect the representation of particular towns. I have consulted the Registrar General on the subject, and he assures me that he would repose far more confidence as to the numbers which are to guide disfranchisement in a Reform Bill in the Census of 1851 than he could place in the Census of the next year, in which there is no doubt that in towns which are near the 7,000 line a very great effort would be made to influence the result with reference to the known intentions of Parliament. I do not mean to say that any deliberate fraud would be perpetrated, but there can be no question that in an operation which is necessarily of so loose a character as the counting of the population a desire will exist in certain towns, and an endeavour be made somewhat to enlarge their numbers, so as to raise the population above the disqualifying figure. I cannot admit, then, that the slightest valid ground has been shown by my hon. Friend upon the merits of the case for postponing our further proceedings on this Bill until we have the Census of 1861 in our hands. If the House are of opinion that this measure is founded upon just principles—if it is desirable to take the limit of population as a ground of disfranchisement, according to the principle adopted by the Bill of last Session as well as by the present Bill, I confidently maintain that no case can be made out in favour of delaying legislation till we have the results of the Census of 1861 before us, and that the Census of 1851 offers a most secure and sufficient basis for such legislation. If, therefore, the House seriously purpose to proceed with this measure—if they are not merely looking to this Motion as a means of procrastination, but are ready to discuss the Bill upon its merits, and to entertain the question of disfranchisement upon the ground of population, I entreat them to reject this Motion. Some Gentlemen may think that, instead of disfranchising according to population we ought to throw in the element of property, or that in lieu of taking population you should take the number of voters. All these facts are in the possession of the House. They are questions which may be fairly raised in Committee. The Government considered these various alternatives before making their proposals. I am aware it may be said there are certain towns with respect to which, by adopting the number of the voters instead of the population, you would arrive at a different result. If we had proposed to disfranchise according to the number of voters instead of according to population, then it would have been urged that our standard was capricious, and that we ought to have taken that of population. In short, whatever single principle is adopted, it is quite certain Gentlemen will be found to maintain that some other principle should govern disfranchisement. I have, therefore, no expectation that unanimity will prevail with respect to the most desirable test of disfranchisement that can be adopted; it can only be decided by a majority of votes when we get into Committee. But I must again call on the House to remember that no useful object will be gained by delay, that all the materials for the decision of this question are already in their possession, and that the country would hardly believe that we are seriously bent on the consideration of a Reform Bill if we were to assent to the Motion of my hon. Friend.

SIR HENRY STRACEY said, he had risen immediately after the very excellent and lucid speech of the hon. Member for Rye, because he thought his proposition a very fair and reasonable one, and one that ought to meet with the acceptance of the House. If population was to form an element in their legislation surely they ought not to come to a decision at a time when that standard could not be accurately applied, and when the basis on which it was proposed to legislate would be cut from under them in so very short a time as next year. There was every reason to believe that Her Majesty's Government had fallen into many errors in reference to the facts upon which their Reform Bill was professedly based. The hon. and learned Member for Marylebone and others had clearly shown this; and he had been informed by the town clerk of Yarmouth that a £6 rental franchise would more than double the number of the present voters in that borough, for it would raise the constituency from not quite 1,400 to 2,850 electors; and the preponderance of power would thus be transferred from persons of some property and education, and who paid income tax, to persons who had comparatively little property or education, and who paid no income tax. The noble Lord the Secretary for Foreign Affairs had in that Bill a sickly child, whose life he would find that the aid even of the professors from Birmingham would not enable him much further to prolong. The noble Lord had had many opportunities of withdrawing the measure, but, with the fondness of a parent for his ricketty off-

spring, he had refused to turn them to any account. They had been told by the right hon. Gentleman the Member for Buckinghamshire that there were but two persons in the House who approved of the Bill, and that statement had met among hon. Members with very considerable marks of assent. The right hon. Gentleman had also said that the measure was in itself a bad one, and three-fourths of the House had responded to that observation. A short time afterwards the hon. Member for East Kent (Mr. Deedes) recommended the noble Lord to postpone the Bill until the next Census should have been taken; but with that recommendation the noble Lord had refused to comply. Then came the proposal of the hon. Member for Salford (Mr. Massey) for referring the Bill to a Select Committee, which had since been so politely and condescendingly withdrawn. He (Sir Henry Stracey), believed that if the noble Lord had embraced any of those opportunities of giving up the measure, the noble Lord at the head of the Government would have been very much obliged to him. The hon. Member who had brought forward the present Amendment had alluded to the very interesting evidence which had been given by Mr. Potter to a Committee, of which the hon. Gentleman himself had been Chairman. Mr. Potter had shown in the course of that evidence that he believed he possessed a dominion, or at least a considerable authority over so large a mass as 600,000 individuals. The hon. Member put the question to Mr. Potter, how many out of those 600,000 would be voters? Perhaps he put it very fairly when he stated that great numbers would be added. But the numbers actually doubled those given by the Treasury Bench. Then, however, came in the extraordinary power of combination, and it was clear enough that this Mr. Potter held in his hands a great power of combination. He telegraphed from the central Committee to other Committees, and if a strike were thought desirable by that Central Committee a strike took place. On one occasion a telegraphic message arrived at a provincial Committee in the morning, and before noon not a single operative, out of many thousands, was at work. This would show the extraordinary powers of this man, or this union, over which he presided, in the way of combination. He (Sir Henry Stracey) would have thought that the capacity of the voters' minds would have been made a point for consideration. He would have thought that the Chancellor of the Exchequer would have advocated this point. On the Bill brought forward by the late Government the right hon. Gentleman said the fault he found was that the Bill went too far. Surely the present Bill went somewhat further—at any rate it did not pay much attention to the mental power of the voters. Yet the right hon. Gentleman not only sat on the same bench with the noble Lord, but supported him in the advocacy of his Bill. There was one point which he would touch upon, although there was a certain delicacy in referring to the hon. Member for Birmingham in consequence of the frequent allusions to him in the House. But that hon. Member had said on a former occasion, as had been also said to-night by the hon. Member for Bristol (Mr. H. Berkeley), that he accepted the Bill. Why did he accept it? Simply because it was a stepping stone to something more. Well, that would be universal suffrage. Now, universal suffrage—

MR. BRIGHT: Is the hon. Gentleman pretending to quote me?

SIR HENRY STRACEY: I am presuming, though I may be wrong, that when you said you accepted the Bill as an instalment, your ultimate object was universal suffrage. It may be household suffrage.

MR. BRIGHT: My object has always been plainly stated in this House, and I hope the hon. Gentleman will not say anything which he is not prepared to prove. I have never uttered a word in favour of universal suffrage either in this House or elsewhere. Perhaps, therefore, the hon. Gentleman will be good enough to correct himself.

SIR HENRY STRACEY: I believe the words of the hon. Member were that he accepted this Bill as an instalment.

MR. BRIGHT: When I spoke of a further measure I referred exclusively to the question of the re-distribution of seats. I never was an advocate for universal suffrage.

SIR HENRY STRACEY said, he would be very sorry to misrepresent the hon. Member, but it seemed to have struck other hon. Gentlemen, as it had struck him, when the hon. Member for Birmingham spoke of "an instalment." Perhaps he ought to apologize to the hon. Member for referring to him, but considering the prominent part the hon. Member took as a democratic leader he could hardly expect that he would not be made a subject of comment and reference.

MR. BRIGHT: That is no reason why you should misrepresent me. ["Oh!"]

SIR HENRY STRACEY: The position of the hon. Gentleman was a somewhat peculiar one, for he received the greatest possible deference to his opinions from the Treasury Bench. He had gone into power, certainly without place, but he had reason to congratulate himself on his influence with the Treasury Bench. But was this the proper position for the Treasury Bench, the proper position for the Government of the country, as an independent Government, to assume? Was it not rather a lowering position that they should feel themselves subservient to the few votes commanded by a private Member of the House? Would it not be a higher position for the Government of the Crown, if they did not, in obedience to the opinions, he would not say of the hon. Member only, but to the opinion of another most leading hon. Member, and one who was not a properly accredited diplomatist to a foreign country, if they did not bow to a democratic array in that instance as they did in all others, and at the same time sanction the subserviency shown by the noble Lord at the head of Foreign Affairs in the same quarter with regard to this particular Reform Bill? He saw behind the Treasury bench men who, he was sure, felt as hon. Members ought to feel. But he saw others who, by the expression of their countenances, were most unwilling supporters, at any rate, of the noble Lord. Their faces said plainly enough *video meliora proboque*, but they must unfortunately add, *deteriora sequor*. He saw certain hon. Gentlemen who sat there in helpless disapproval; or they would come forward and support the noble Lord in this conjuncture. They might pride themselves on being "honourable men." They might pride themselves on being, like Chevalier Bayard, in one respect, *sans peur*, but, believe him, if they voted for the present Bill against their convictions, it would be a thorn in their sides, and they would never be able to add as he could, *sans reproche*.

MR. GREGSON said, that although he sat behind the Treasury bench, he must be allowed to deny that he was in the unhappy state described by the hon. Baronet who had just spoken. The hon. Baronet had spoken of the Bill as a sickly child. If it were so, it was the hon. Baronet's duty to nurse it instead of endeavouring to murder it as he had done. He would entreat the House to go into Committee and endeavour to pass the Bill by making such Amendments as might be desirable. There could not be a more opportune moment than the present for passing a Reform Bill. The country was profoundly tranquil, and we were at peace with all Europe. If the Bill were not passed this Session, Parliament might be obliged by the country to pass a measure much more extensive and objectionable. Nothing less than household suffrage and vote by ballot might then satisfy the country.

MR. BARROW said, he quite agreed in opinion with the hon. Member for Lancashire, that this was a proper time to pass a Reform Bill: but he wished to pass a Bill that would last for a few years; and he thought the Bill before the House would not last more than a few months. The House had not before it the various measures which had been announced as likely to be introduced by Members on the other (the Ministerial) side of the House; and, therefore, he hoped the Bill would be postponed till there was information on that point, as well as with regard to the number of voters the Bill would add to the constituency, and which could only be furnished by the coming Census. Without additional information it would be a waste of time to discuss the Bill in Committee. When charges of want of manliness for not opposing the second reading of the Bill were made, he felt bound to say, for himself, that he had tried to catch the Speaker's eye, and that he was equally opposed to the present measure as well as to that of last year, disapproving as he did the principle involved in both. The ancient principle of the Constitution, that property ought to be the basis of the county constituency, had been overlooked in both Bills. This might be considered in Committee. His objection to the Bill of 1832 was, that it destroyed the representation of classes—that it destroyed the representation of scot-and-lot boroughs, of boroughs where the constituency were freemen, where the working classes had the power, if they chose to exercise it, of sending to the House representatives of their own classes, and at the same time gave to the master, manufacturer, and capitalists, the opportunity of having Representatives in the House: and at this moment he would, as a matter of expediency, rather see a few, a fair, and reasonable number of such boroughs existing, and sending their Representatives to Parliament, even if they had no property, than that they should not be represented

at all. This might not be an opinion which he held in common with other Members of the House; but, nevertheless, it was an opinion which he held most strongly. He thought property should be represented, but he thought that industry should be represented also. He saw much weight in the opinions advanced by the hon. Member for Salford (Mr. Massey). He was as convinced as any man could be that it was necessary to have some alteration of the existing representation; he was anxious, however, that it should be such an alteration as would last some time; for the inconvenience to the public business by the perpetual discussion of this subject was very great. He desired, therefore, that any legislation on the subject should have the character of permanence about it, but that he was unable to perceive in the present measure, and he was satisfied that it could not be until the House had more information than was in its possession at present.

SIR FRANCIS GOLDSMID thought the ground of delay till the next Census had been made was the most unreasonable that could be urged. So urgent was the question of Reform, that more than two years ago the noble Lord at the head of the Government found it necessary to promise a measure of reform, and the Government which succeeded the noble Lord's previous Administration was obliged to bring in a Reform Bill to satisfy the demands of the country. He would warn the opponents of the Bill that it was not safe to play at "bob-cherry" with the rights of the people; and to delay the measure until they had the results of the next Census would be a loss, not of one, but of two years. The only question of importance that the House had now to determine was, whether the borough franchise should be lowered, and hon. Gentlemen should have helped the noble Lord to determine that question, instead of blocking up his way with piles of Resolutions. Hon. Gentlemen opposite were no doubt rejoiced at the suggestion that the Bill ought to be delayed till the next Census was obtained. It was strange that they did not think of asking last year for a postponement of the Bill of the late Government on the same ground. He hoped that on neither that nor on any other ground would the House delay the Bill of the noble Lord.

MR. BOVILL said, that the abstinence of hon. Members on the Opposition benches from discussing the question of the disfranchisement of boroughs, had led the Home Secretary to imagine that the main objections to the Bill were directed against the franchise, and that there were no great objections to other parts of the noble Lord's scheme; but he could assure the right hon. Gentleman that there were many Members on that side of the House, though not occupying seats on the front benches, who felt a deep interest in the question, and who had refrained from expressing their opinions on the second reading of the Bill rather than lay themselves open to the charge which had been so frequently repeated, that there was an intention unnecessarily to delay the progress of the measure at that stage. The question now before the House was whether they should pass at once to the consideration of the Bill in Committee; and one naturally looked to see what materials the Government had laid before the House, and whether they had availed themselves of the best materials at their command, or whether they had adopted a principle with respect to the disfranchisement of boroughs which was altogether fallacious and unsatisfactory so far as that question was concerned. What, then, were the materials to which they should look in proposing the disfranchisement of a borough? Ought they to take the test of population which included men, women, and children, and embraced a vast number of persons whose political existence was entirely ignored, or ought they to act upon the relative importance of boroughs, or upon the number of voters in each, or upon the number of voters in relation to the number of inhabitants? These last materials they had before them in the returns of voters on the register in 1859-60; but granted that there were, as the Home Secretary had stated, objections to acting upon the number of voters; was there not another test which had already been adopted by this House and the House of Lords on the occasion of passing the Reform Bill of 1832? Population had been proposed as a test of disfranchisement in 1831; but after giving it the most deliberate consideration, it was found to be so falacious that it had to be abandoned. A new scheme was therefore proposed in 1832. The most eminent men of the day were consulted upon the subject, and the result was that the Government determined not to proceed upon population or the number of voters; but upon the relative importance of boroughs determined by the number of rated inhabitants and the amount

contributed by each borough to the direct taxation of the country. Acting upon that test, the Government were enabled to carry out an extensive disfranchisement, for the principle recommended itself to every one. Now, the materials upon which the Government of 1832 proceeded were quite as accessible to the present Government, but they were not disposed to act upon them. What they proposed to do was to adopt population alone, and to place the franchise in the hands of a class who were without property, influence, and education; to take it from those who possesssed these qualifications, and transfer it to those whose property was next to nothing, many of whom were wholly, or almost wholly, uninstructed, and who were liable to be influenced, not by their own honest and independent judgments, but by appeals addressed to their passions in the inflammatory language of demagogues. Moreover, in re-opening this question at the expiration of a period of twenty-eight years, when they said that a change of circumstances required an alteration in the representative system, and acting upon population they proposed to go back nine years, to the census of 1851, for the materials upon which to legislate in 1860. When they produced their scheme, how was it met by Gentlemen below the gangway opposite? Why, they plainly told the Government, that they did not receive the measure as a final settlement of the question, but only as an instalment. Such being the language held by hon. Members opposite, surely it was no more than reasonable, if they were resolved to adopt the principle of population, that they should wait until the next Census had been taken, and ascertain what the real statistics of the population were before they committed themselves to any legislation founded upon mere numbers. They had been told by the Home Secretary that a certain arbitrary number of the population had been adopted by the Government for the disfranchisement of boroughs; and having rejected the precedent of 1832, of the relative importance of boroughs, as well as the test of the relative number of voters, or the number of voters in relation to the number of inhabitants, and determined to proceed on the basis of population alone, how did they propose to act in respect of that basis? As to the disfranchisement of boroughs, the present Government took an arbitrary line, and said that whereas the late Government took 6,000 as the line of demarcation, they would take 7,000. But the late Government went on the principle of ascertaining what were the requirements of the country, and then they determined to disfranchise as many boroughs as would meet the required want. But what principle had been adopted by the present Government? Not any; they merely said that as 6,000 was the amount of population decided upon before, they would choose a little higher, and take 7,000. They then took 25 seats from boroughs of England; and returned only 21 seats to England and gave two English seats to Scotland and two to Ireland; it was notorious, however, that the principle of population was not applicable to Ireland, because the population of Ireland had decreased and not increased. He would not then go into the question of the right of the Government to transfer English seats to Scotland and Ireland, but he would say that in transferring these seats to Scotland and Ireland, and also to other boroughs and counties of England, Government had taken the present condition of the population, in 1860 for distributing the seats whilst the boroughs were to be disfranchised upon their population of 1851. By way of example he would take the case of the town of Birkenhead, which had an enormous population. No one could doubt that in its present condition it ought to have a representative; but if they were to take the town as it stood in 1851, they would have a totally different state of figures represented. Might there not be among the towns it was now proposed to disfranchise, places which had so increased in relative population and importance as to be more deserving of having two representatives than many of those towns which it was proposed should retain their two seats. He would take the cases of Tavistock, of Tiverton, and of Tamworth, and consider them in reference to the scheme of the Government. He would begin with Tavistock, which was to retain the privilege of returning two Members to Parliament. At present its number of electors was 433, and the contemplated addition, estimated according to the *data* afforded by Her Majesty's Government, would be 59; so that its total number of electors, if the Bill passed in its present shape, would be 492. He would compare that with the case of Guildford, which it was proposed to deprive of one of its Members. Guildford had 723 voters at the present time;

therefore it had more than 200 voters above the number that Tavistock would have if this Bill were passed; and if they took the number of electors that Guildford would have, supposing the present Bill to be passed, the estimated addition being 207, they would find Guildford with 930 electors, while Tavistock would have only 492—yet Tavistock was to retain its two Members, while Guildford was to be deprived of one of its representatives. In like manner the noble Lord had not disregarded the interests of Devonshire in his distribution of seats to the counties. In South Devon there were now eight boroughs, and altogether returning 14 Members; yet by this Bill it was proposed to give an additional member to South Devon; while West Surrey, with only one borough, namely, Guildford, and four Members, was to be deprived of one Member. Let them take relative importance or any other test they chose, but he must say that *data* nine years old afforded a most unsatisfactory test. The borough of Tiverton had at present 526 voters; if the Bill were carried in its present form the addition of voters would be 242, according to the Returns before the House; so that, after the passing of the Bill, its constituency would be 768, whereas Guildford would have 930 voters. He did not object to Tiverton having its two Members. The House was proud to receive both the Members from Tiverton, but he had said enough to show that they had adopted an improper test for disfranchisement. Then as to Tamworth, there were at the present time in that borough 520 voters; the contemplated addition under the present Bill, according to the returns, would be 98; making together a constituency of 618.

SIR ROBERT PEEL begged to assure the hon. Member that that Return was entirely erroneous.

MR. BOVILL said, the grounds on which it was erroneous had been explained to the House, but he was obliged to take the Returns the Government gave them. If the Returns were erroneous in one case they might be so in all, but they were the only materials before the House; and the probability that they were erroneous made the grounds for postponement stronger, and he had no doubt the hon. Baronet would, therefore, cheerfully give his vote to prevent further proceeding with the Bill. But it would be immaterial if they took the same scale with respect to all the boroughs. They had the fact then, that Tamworth, under the Bill, if it were passed, would have only 618 voters, while Guildford had already 723 voters, and would have 930; so that Tamworth, after the passing of the Bill, would have fewer voters than Guildford had at present. These figures he thought sufficiently showed the fallacy of the test it was proposed to apply. There were many other boroughs which would come properly under consideration if the Bill went into Committee, but he had referred to these particular boroughs, because they were rather distinguished on account of the representatives they returned to that House. What were the other principles set forth in this Bill. As regarded taking 7,000 intead of 6,000 as the line of demarcation for the disfranchisement of boroughs, he should like to know upon what principle it rested. The Government, as he understood, merely said that they adopted the principle of the late Government. Then, again, with regard to the franchise, the noble Lord said that if the House did not like a £6 franchise it might adopt a £7 franchise, or an £8 franchise—or, in fact, anything the House liked! Then why was it that the noble Lord proposed his famous Resolution of 1859? If the noble Lord said the question of a £6 franchise was not one of principle but of detail, why might not that question have been settled in Committee last year as well as now? It seemed, then, that after the great Resolution of the noble Lord, which had necessitated a general election and a change of Ministry, the question of whether the franchise was to be fixed at £6 or at £7 or £8, was to be still left for settlement in Committee. They were now asked to go into Committee without proper information, and with information which had been condemned by both sides of the House as incorrect. Were they to act blindly and in the dark as to the increase in the number of electors by an extension of the franchise—particularly when they were about to throw open the door to numbers in preference to property and education? These were important considerations, and by voting for the Amendment they would give Her Majesty's Government an opportunity, if they persisted in adopting that fallacious principle of population as a test of disfranchisement, of having more accurate data upon which to proceed. But was this Bill considered satisfactory by anybody? Was it satisfactory to the noble Lord himself? To any of his colleagues, or to any single Member of the

House? Was it proposed that the measure now under consideration should be taken as a final settlement on the matter? Some hon. Members on the other side did, indeed, affect to be satisfied with it, but only as an instalment: and was it not likely that to proceed at this time without accurate information, would render their case more complete when they came forward with their further demands? If he were not mistaken, an outcry had been raised among some of the Gentlemen opposite with respect to what they called the rotten or nomination boroughs. What did hon. Members think would be the opinion of hon. Gentlemen on both sides of the House with respect to a borough like Calne? Did they not think that that would be put forward in the following year as a reason for introducing another scheme? Would Arundel also be left untouched, and would it not be used for a similar purpose? The hon. Gentlemen opposite, to whom he had referred, were only too happy to take this measure as an instalment, when they saw Tamworth, Tiverton, and Tavistock, Calne, and Arundel, were not now to be interfered with, because these and other similar boroughs would be an addition to the instalment they would certainly ask on a future occasion. But there were other matters that might not be considered undeserving the attention of hon. Gentlemen. The right hon. Baronet opposite (Sir George Lewis) had hinted at a principle upon which this question might be determined—namely, to look at the relative importance of boroughs. This was a test that had been acted upon with success on a former occasion in 1832, and if it were now adopted, no one would have a right to complain; but, even then, proper information and *data* were requisite. It would not do to decide such a question upon the information obtained nine years ago; since that time some boroughs would have decayed, and others increased, in importance, and for these reasons he should give his cordial support to the Amendment of the hon. Member for Rye. The Amendment, if carried, would give the Government an opportunity of retracing their steps, and of introducing a Bill founded upon facts, arguments, and reasoning, which would be incontrovertible; instead of being based upon the fallacious principles and the uncertain facts upon which the House was now asked to give its opinion.

MR. BAINES said, the House would certainly require to know what was implied in the postponement of the Bill until the results of the Census should be known;—for he could see from the speeches that had been made on both sides of the House, that this was not at all understood. They would not only require to know the change in the population that would be made evident by the Census of 1861, but also the change in the civil condition of that population. Having investigated this question he found that that portion of the Census of 1851 giving the number of the inhabitants was published in 1852; but the report bore date 21st July, 1852; and therefore that first portion of the information derivable from the Census would not have been available for legislation until the following year, 1853. But when were the other portions of the Census, and which were equally important for the purpose in view, published? The part containing the ages, civil condition, occupation, and birthplace, of the people, was not issued until 1854, the report bearing date April 29, 1854, after which a considerable time must have elapsed before it could have been printed; so that that information would not have been available until 1855. The part relating to religions, another most important element, bore date December 10, 1853, but was not published until 1854. The report upon educational statistics was dated March 31, 1854, but could not have been legislated upon until 1855. But the case with respect to Ireland was still more remarkable. The part relating to ages and education was not published until December 20, 1855, and the General Report of the Registrar General was not published until June 28, 1856. It was evident, therefore, by parity of reasoning, that if they now waited for the Census of 1861 they would not be able to proceed to legislation upon it until 1867. But had they, as the hon. and learned Member (Mr. Bovill) had intimated, information of no more recent date than 1851 to proceed upon? On the contrary, the paper moved for by that hon. and learned Member himself, and which he (Mr. Baines) then held in his hand, contained the number of houses rated to the poor, the amount of taxation, and the relative importance of boroughs according to those facts up to 1856, besides the number of registered electors in 1859-60. He trusted the House would not compromise its character by consenting to a postponement which would be considered unnecessary and frivolous, and adopted for the purpose, not merely of delaying, but of

defeating, any measure of Parliamentary Reform. He was quite convinced that if, after each opposing Government had in turn presented a Measure on that important subject, after four or five successive Governments had taken it up, and Her Majesty had as many times announced it in the Speech from the Throne, the House were further to delay the serious consideration of it, that course would be considered by many in the country as an insidious mode of getting rid of a subject which some thought disagreeable. He honestly believed that if the Conservative party in that House, and in the community, wished to settle the question at a time favourable to their own opinions, they ought eagerly to embrace the present period, when a condition of general prosperity, never exceeded within his recollection, caused a degree of political tranquillity, and almost political stagnation, such as might never present itself again.

SIR MINTO FARQUHAR expressed his entire concurrence in the eloquent and interesting speech of his hon. Friend the Member for Guildford (Mr. Bovill), who had so clearly given his reasons for supporting the Amendment proposed by the hon. Member for Rye (Mr. Mackinnon), and for objecting to the test adopted for the partial disfranchisement of boroughs in the Reform Bill now before the House. Had his hon. Friend moved the Amendment of which he had given notice for to-night, he should have had great satisfaction in seconding it. In the two speeches of the noble Lord the Member for the City (Lord John Russell), and of his right hon. Friend the Home Secretary (Sir George Lewis), two points had been particularly dwelt upon—in the former with respect to the working classes, in the latter with reference to the disfranchisement of boroughs, with which he entirely disagreed. Taking the latter point first, he must distinctly say that he thought the rule laid down for partial disfranchisement according to a test of the amount of the population in 1851, both arbitrary and unfair, and he was at a loss to understand why the Government had departed from the principle established in 1832, when disfranchisement was regulated according to the relative importance of boroughs, as judged by the number of houses they contained, and the amount of direct taxation they paid. It had been said that the late Government took the test of population for the fifteen boroughs which they had intended to disfranchise. It was a poor reason indeed to give, that because a bad example had been set by one Government it was therefore to be followed by another; and certainly the noble Lord (Lord John Russell) ought not to put forward such an excuse, for he had twice tried the test of population, which had been objected to and rejected by Parliament, and he had himself adopted that of the number of houses, and of the amount of direct taxation paid in his Reform Bill of 1832, which ultimately became law. He thought he could prove that this test of population was not a just one, and one which the House ought not now to accept. On the 24th of November, 1831, Lord Melbourne, then Home Secretary, for whose memory every Member must have the highest respect, wrote thus to Lieutenant Drummond:—

"The Government having determined to found the Reform Bill upon a new basis, I request your assistance to enable them to ascertain the relative importance of the smaller boroughs in England and Wales. It is proposed to take the number of houses and the amount of assessed taxes for the year ending April, 1831, together, as the test of disfranchisement."

On the 12th of December, 1831, Lieutenant Drummond replied to Lord Melbourne, enclosing a list of boroughs drawn up according to the instructions which he had received. He said—

"The principle on which the list is founded, consists in allowing equal weight, in the estimation of the relative importance of a borough, to the number of houses which it contains, and amount of assessed taxes which it pays; and the method adopted for carrying this principle into effect may be stated in the following words:—1st. Take the average number of houses contained in the boroughs to be arranged, divide the number of houses in each borough by this average number, and a series of numbers will be obtained, denoting the relative importance of the different boroughs with respect to houses.—2nd. Take the average amount of the assessed taxes paid by the same boroughs, and proceed precisely in the same manner as described with respect to the houses, a series of numbers will result, showing the relative importance of the different boroughs with regard to assessed taxes.—3rd. Add together the numbers in these two lists which relate to the same boroughs, and a series of numbers will be produced denoting the relative importance of the different boroughs with respect to houses and assessed taxes combined."

Well, upon this question of relative importance a debate arose in Committee on the 20th of February, 1832. The principle was impugned by Mr. Pollock, but the noble Lord (Lord John Russell) not only justified it, and also Lieutenant Drummond's calculations, but stated that so satisfied was he of the accuracy of the test that he had

referred it to Professor Airey at Cambridge, Professor Wallis at Edinburgh, and Sir John Herschel, who had authorized him to say that they approved of it; and Mr. Davies Gilbert, a high authority on such a point, declared that although opposed to the principle of the Reform Bill, he could not withhold his testimony to the accuracy of Lieutenant Drummond's test. That was the test adopted by the noble Lord himself in 1832, and then accepted by Parliament, and yet now he had reverted to the test of 1831 rejected at that time by the House, instead of taking that which he had himself adopted, and which had been accepted by Parliament. His hon. Friend the Member for Guildford had illustrated the injustice of the Government proposal by a reference to the circumstances of the borough which he represented. Possibly the House would permit him to give a few similar figures in the case of Hertford. Now take the number of voters registered as £10 householders, which afforded a good test of the importance of a borough. He found that the numbers were relatively—

Hertford	462	Lichfield	401
Bridport	434	Bridgnorth	374
Wycombe	407	Tavistock	430
Cockermouth	455	Buckingham	353

Thus, as far as these voters registered as £10 householders were concerned, the result was in favour of Hertford. Then, looking to the number of electors, he found there were in Hertford,

Hertford	541	Tamworth	520
Bridport	496	Tavistock	433
Wycombe	412	Buckingham	356
Cockermouth	455		

Again, the preponderance was in favour of Hertford, and yet Hertford, was to lose a Member, whilst the other boroughs named were to retain two. He had next a return of male occupiers at £10 and upwards, and at £6 and upwards, assessed to the last poor rate, made before the 7th November, 1859.

	Male occupiers at £10 and upwards.	Male occupiers at £6 and upwards
Hertford	541	779
Bridport	540	752
Wycombe	385	540
Cockermouth	455	567
Lichfield	411	624
Malton	423	665
Tamworth	439	563
Bridgnorth	456	621
Tavistock	407	473
Buckingham	368	496
Stamford	390	557

Notwithstanding these figures, Hertford and Guildford were to be partially disfranchised, although they were the only Parliamentary boroughs in their own counties, and were likewise county towns. The injustice was still more glaring when they looked at the returns, showing the amount of property and income tax charged in different boroughs under schedules A, B, D, and E, for the year ending the 5th of April, 1857. The amount was:—

Hertford	£4855	Bridgnorth	£3810
Penryn	3416	Lichfield	2522
Buckingham	4730	Newcastle-under Lyme	3484
Wycombe	3210	Stafford	4210
Cockermouth	2719	Tamworth	2755
Bridport	2999	Malton	3110
Poole	4273	Pontefract	4834
Weymouth	4548		

and yet Hertford was to be partially disfranchised, and these other towns were to retain their two Members! There was further a return of 52 cities paying an amount of taxation (property, income and assessed) of less than £4,500, of which 26 returned one Member, and 26 returned two. Hertford did not appear in the list at all, but Cockermouth, Tamworth, Bridport, Wycombe, Newcastle-under-Lyme, Penryn, Malton, and Lichfield do appear, which are not to lose any Member. It appeared, moreover, by another return that Hertford paid in property, income, and assessed taxes in 1857, £6,030, there being 78 cities and boroughs which paid less, of these 35 returned one Member, and 43 returned two; of the last 25 were to lose one Member, including Hertford, which paid the most of these 25, and which paid more than the following boroughs which were not to lose a Member, taking population as the test, namely:

Cockermouth	£3368	Stafford	£4814
Tamworth	3453	Barnstaple	4950
Bridport	3530	Poole	4939
Newcastle-under-Lyme	4057	Buckingham	5436
Penryn	4173	Weymouth	5724
Lichfield	4340	Pontefract	5731
Bridgnorth	4660	Berwick	5756
		Bridgwater	5868

and yet Hertford was to be partially disfranchised whilst all these boroughs were to retain their two Members. He had endeavoured, then, to show, and he hoped successfully, that if the noble Lord's own test of 1832 were adopted Hertford ought not to be disfranchised. The noble Lord had however, departed from the principle which he had himself laid down in the Bill of 1832, and had reverted to the Bills of 1831, which he had himself abandoned in

1832. There were many hon. Members who represented boroughs proposed to be partially disfranchised, and who, from the manner in which the test of population according to the Census of 1851 affected their constituents, had every right to insist upon opposing this Bill on the Motion now before the House. No charge had been brought against Hertford and Guildford, whilst there were towns such as Wakefield, Gloucester, Norwich, and others, whose constituencies had been proved to have been guilty of corrupt practices, but which were passed over and left untouched by this Bill. Two Members had been taken away from St. Albans, and not only was it proposed to give those two Members to Scotland and Ireland, but also to take away one Member without any sufficient cause, in his opinion, from the county town, which was the only Parliamentary borough in a county of high position and wealth, and whose share of borough representation the Returns before the House showed to be much smaller than that of other counties of less importance. Was that just? He thought decidedly not, and he hoped the House would think not too. He would now leave this subject, and with the permission of the House would comment on certain remarks which had fallen from the other side of the House. His hon. Friend the Member for Lancaster (Mr. Gregson) had pressed this side of the House to permit the Bill to go into Committee without delay. He would venture to remind his hon. Friend, as he had reminded at an earlier part of the evening the hon. Member for Shrewsbury (Mr. Slaney) of the course he had pursued last year when sitting on this side of the House, and which he seemed to have forgotten—he then thought it quite fair and right to refuse to go into Committee on the Bill of his right hon. Friend (Mr. Disraeli). His hon. Friend had changed his side of the House, and also had changed his opinion upon this question of going into Committee. There was what was called doing as you would be done by, and it was a pity his hon. Friend had not acted up to that principle. He must confess that after hearing the speech of the noble Lord (Lord J. Russell) to-night, he was astonished to think that he could have moved the Resolution last year which upset the Bill of the late Government. He never heard a speech more condemnatory of the course which the noble Lord then pursued. It had been admitted in that House, and by a Cabinet Minister in "another place," that the Bill of his right hon. Friend (Mr. Disraeli) had been unfairly treated, and no doubt it was a Bill far superior to that of the noble Lord. He (Sir M. Farquhar) was in favour of the working classes being admitted to the franchise, and as far as they were concerned it would have admitted, in various ways, the prudent, the thrifty, and the intelligent. At the last general election he had told his constituents that he looked upon the Resolution of the noble Lord as an ingenious manœuvre, and he said so again now. It had been insinuated that they (the Opposition) were anxious to keep the working classes out of the representation — that he emphatically denied. He had said on the hustings last year, "It has been insinuated in the House of Commons that the Conservative party is afraid of the people; I emphatically deny this charge. I wish to know what I, who represent many artisans and freemen, have to fear from them? I am not prepared to beslobber them with lip flattery like some political agitators. No one is more anxious for the advancement of the working classes, but I will not for the sake of popular applause consent to swamp the property and intelligence of the country to mere numbers. I am most anxious to give to every class its fair share of representation, so that one class shall not predominate over the other. ["Hear, "*and cheers.*] He would, if necessary, repeat the same thing to his constituents to-morrow. This would show that what he wished to see was a fair share of the representation enjoyed by all classes—whether the aristocratic, the middle, or the working classes, but by the Bill now before them a preponderance of power would be thrown into the hands of one class alone, and therefore he objected to it. The noble Lord (Lord John Russell) had referred to an attack in a review on his right hon. Friend (Mr. Disraeli), and had said the article must have been written by some obscure individual. He knew not who the writer might be, but if he were, as the noble Lord represented, an obscure individual, it signified little what his opinion of the right hon. Gentleman was. He (the right hon. Gentleman) knew what were the opinions of those who sat around him, and needed to care little for those of an obscure writer. The noble Lord had said something about digging a trench between the working classes and the richer classes by

Sir Minto Farquhar

the course now pursued; he had no fear of such a result. He denied that the working classes took any real interest in the Bill before the House; if they had, meetings would have been held throughout the country to support it. Where were those meetings? Where the petitions in favour of the Bill? Even since the autumn of 1858, when the hon. Gentleman the Member for Birmingham began his wandering tour in the provinces, he had been labouring to get up an agitation in favour of Reform, but from beginning to end these efforts, and those to set class against class, had been attended with total failure, and his whole line of conduct showed that he little understood the class whose case he stated himself to be anxious to advocate. The hon. Gentleman, in contradicting his hon. Friend the Member for Yarmouth (Sir Henry Stracey) said that he had never, either inside or outside of the House, proposed universal suffrage. Now he (Sir M. Farquhar) happened to have a paper in his pocket which showed that although the hon. Gentleman had not proposed universal suffrage, he had no objection to the widest possible extension of the suffrage. What did he say at Birmingham on the 27th October, 1858? "Let me say that personally I have not the smallest objection to the widest possible suffrage that the ingenuity of man can devise, not the slightest." Now as such an extension must include universal suffrage, there was not much ground for the hon. Member's indignation at the suggestion that he had approved of such a proposal. This Bill was considered by many to be acceptable as an instalment, an instalment he supposed towards the widest suffrage which the ingenuity of man could devise. Then again, what had the hon. Gentleman said about electoral districts in the same speech:—

"Every elector in the eye of the law is of the same importance as every other elector. Why then should not every elector, in voting for Members of Parliament, vote for the same portion of the whole Parliament that every other elector voted for?"

Was this Bill, then, to be an instalment in the direction of electoral districts? Again, in the same speech the hon. Gentleman had said,

"We will ask ourselves, when we talk of the question of Reform, what is it we really want? I hold it to be this, that we want to substitute a really honest representation of the people for that dishonest and fraudulent thing which we call representation at present. The whole thing, as at present arranged, is a disgraceful fraud, and ought to be put an end to, and if it be not put an end to, your representation will remain in future, as it has been in the past, very little better than a farce."

This was strong language at any rate, and no wonder then the hon. Gentleman supported the Bill, which many looked upon as a mere stepping stone to further extensions of the suffrage. He (Sir M. Farquhar) should certainly support the Amendment of the hon. Gentleman opposite, the Member for Rye (Mr. Mackinnon).

MR. HUNT moved the adjournment of the debate.

Debate *adjourned* till *Thursday*.

REPRESENTATION OF THE PEOPLE (SCOTLAND) BILL.

REPRESENTATION OF THE PEOPLE (IRELAND) BILL.

MR. BLACKBURN said, he had understood that the Scotch Bill was to be withdrawn; and he might observe that he had just come from Scotland, where nobody cared a straw for the measure, and a good many people wished that the Bill for England was also withdrawn. It would be certainly unfair to pass a Bill for England, but none for Ireland or Scotland, and he thought that the Government should proceed with all the Bills or withdraw all of them.

MR. WHITESIDE said, he had not heard in the confusion—if the matter were of any consequence—what had become of the Irish Bill. [Lord J. RUSSELL: It stands for Thursday.] He had understood that the noble Lord had confined his energies to the Bill for England, and that the Scotch and Irish Bills would not be proceeded with.

LORD JOHN RUSSELL explained that what he had said was that the English Bill would be proceeded with in Committee, but that he believed there would not be time to go on with the Scotch and Irish Bills. The hon. Member (Mr. Blackburn) had objected to the passing of an English Bill without there being a Bill for Scotland. He (Lord John Russell) might be mistaken, but he thought that the Government of last year brought in an English Bill without proposing any Bill for Scotland at all.

Second Reading deferred to *Thursday*.

MORNING SITTINGS.

HERRING FISHERIES (SCOTLAND) BILL.

COMMITTEE.

On the Order of the Day for going into Committee on the Herring Fisheries (Scotland) Bill,

THE LORD ADVOCATE proposed to postpone the Committee to a morning sitting on Tuesday next. Several hon. Members objected: but after some discussion,

Motion made, and Question put, "That this House will, upon Tuesday next, at Twelve of the clock, resolve itself into the said Committee."

The House *divided*:—Ayes 102, Noes 89: Majority 13.

THAMES EMBANKMENT.—COMMITTEE.

MR. HENNESSY moved that the Select Committee on the Thames Embankment do consist of seventeen Members, and that Lord Fermoy and Mr. Joseph Locke be added to the Committee.

SIR JOSEPH PAXTON had no objection whatever to the two Gentlemen named in the Motion; but on principle he objected to the number of the Committee being increased without any special grounds.

MR. COWPER hoped the hon. Member would not persevere in his Motion, as the Committee had been already nominated of fifteen Members, the usual number for such a Committee.

Motion made, and Question put, "That the Select Committee on the Thames Embankment do consist of seventeen Members."

The House *divided*:—Ayes 10, Noes 38: Majority 28.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, June 5, 1860.

MINUTES.] PUBLIC BILLS.—1ª Furious Riding and Driving Prevention.
2ª Prevention of Cruelty to Animals; Sale of Gas Act Amendment; Refreshment Houses and Wine Licences.
3ª Selling and Hawking Goods on Sunday.

PREVENTION OF CRUELTY TO ANIMALS BILL.—SECOND READING.

THE MARQUESS TOWNSHEND moved the second reading of this Bill.

THE LORD CHANCELLOR did not object to the principle of the Bill, but he thought it required careful consideration, and a better definition of the offences with which it proposed to deal. Of its main provisions he approved, and he should be happy to give any assistance in his power to improve the measure. It could not pass, however, in its present shape, and he hoped the noble Marquess would consent to refer it to a Select Committee.

Bill read 2ª, and *committed* to a Committee of the Whole House, on *Friday* next.

SELLING AND HAWKING GOODS ON SUNDAY BILL.

Order of the day for the Third Reading read.

Moved, That the Bill be now read 3ª.

THE EARL OF ST. GERMANS said, that as their Lordships knew, there were different opinions in this country respecting the manner in which the Sunday should be observed. From the earliest times, however, the law of England had forbidden Sunday trading. Blackstone stated that even so early as the reign of Athelstane "merchandising" on that day was strictly forbidden. In the reigns of Henry VI., Charles I., and Charles II., Acts were passed to the same effect, all providing that no secular business should be transacted on the Sabbath, save works of necessity. The enactment now in force was the statute of Charles II.: but that was one of those enactments which were never practically enforced, and in point of fact, the present measure was not introduced with a view to the attainment of any such object, for it permitted various kinds of trading up to 10 o'clock. Was it expedient to call upon Parliament now to violate a principle which had been so long respected? If it were wrong to sell goods at 11 or 12 in the morning of that day it was equally wrong to sell goods at 9 or 10; and if it were right to sell at the latter hour, it could not be wrong to sell at other times. The existing law was said to be inoperative. No doubt it was to a certain extent. But having regard to the enormous extent of the Metropolis and the denseness of the population, it was impossible to enforce a rigorous obedience to such a law, and he thought that upon the whole, considering the numerous wants of the Metropolis, the Sabbath was not ill-observed within its limits. He would rather trust to the growth of public opinion, the force of moral suasion, the influence of the clergy and of our public instructors to extinguish the system, rather than to suppress it by legal coercion. It

had been stated that at one of the great centres of the north, Sunday trading largely prevailed ten years ago, but had of late years much decreased. That seemed to be an argument against legislation; for the same causes were at work here, and would lead, they might hope, to the same results. There were doubtless many tradesmen throughout London who regarded the practice of Sunday trading which they were compelled by others to practice as a burden and a yoke, and who looked for relief to some measure of this kind. But he believed that no ruinous consequences would result to these persons if they boldly closed their shops on Sunday morning, and trusted for support to the legitimate custom which came to them on week-days. But, be that as it may, his opinion was that the Bill would disappoint the expectations of its advocates. Practically, he believed that after the measure passed, shops would be open just as late as they were at present, because if they were kept open to 10 o'clock, the tradesmen would find it impossible to refuse customers who were crowding their shops at that hour. Moreover, the omission of the clause, which provided that the police should enforce the provisions of the Bill, would take away the machinery by which it was to be enforced; and its enforcement by private individuals or by means of voluntary associations would give rise to much ill blood. The measure violated an old-established principle; it would enable a man to do that in London which, under the existing law, he would be unable to do elsewhere; and believing that it would also be ineffectual for its purpose, he could not give his voice in its favour.

LORD TEYNHAM also was opposed to the Bill. The petitioners in favour of the Bill were those who supposed that they should lose by not opening their shops on Sunday. Some persons had no conscience for keeping the Sabbath, and therefore desired to have a conscience made for them by Act of Parliament; others had a particular mode of observing the Sabbath, and they wish to compel others by law to follow the same course. The passing of this Bill would lead to a more coercive and severe measure; and the result by reaction would be to aggravate the evil which it was meant to remedy. In the time of Charles I. the first attack on the liberties of the people was made under the guise of enforcing the observance of the Sabbath; and this was followed two years after by a more stringent Act. The only trade absolutely forbidden by it to be followed on a Sunday was that of a butcher. A reaction set in, and in the 9th year of the same reign the "Book of Sports" of James I. was re-issued, with the addition of keeping the wakes or feasts of the dedication of churches on Sunday, and commanded to be read in churches. Some clergymen read it without making any objection, others read the fourth commandment after it, but many refusing so to do were deprived of their livings, fined, or otherwise punished. The inevitable result of passing the Bill before the House, followed as it must be by more stringent measures, would be that the people would kick against it, and the Sabbath would not be so well kept as now. A great many religious men shrank from this legislation as tampering with the commandment of God. If the law of the Sabbath were a strictly moral law, they had no power to enact exceptions to its observance. If men choose to buy newspapers or periodicals on Sunday, let them do so on their responsibility to their Maker; but let not the House give its sanction to such Acts up to a certain hour. While permitting the sale of newspapers, the Bill did not authorize the sale of a single Bible or Prayer Book on the same day. Another objection to the Bill was its limited range —it was confined to the Metropolitan district—the very worst place for the restrictions it contained. If any difference were to be made, the restrictions ought to have been made in the country districts, and not in the Metropolis. He would not enlarge on the injustice of enforcing this law upon all who lived within what he might call a magic circle, and exempting all who lived outside it. He would proceed to consider the articles of consumption which would be affected by the Bill. Its provisions would tell as much upon the coal and fuel with which food was cooked, as upon food itself. A man might buy a beefsteak or a mutton-chop on Sunday; but he must not buy the coals for cooking it; and thus the poor would be dependent upon the bakers' shops for their cooking. The Bill restricted the sale of bread on Sunday to bakers, and to the law which governed their trade, whereby bread could not be sold on Sunday after a certain hour; but many of the poor of London were in the habit of buying their bread at the chandler's shop; and this Bill would prevent their getting bread at the shops where they had credit. It permitted the

sale of pastry at hours during which it did not tolerate that of bread; and was evidently constructed in ignorance of the bakers' Act. So, in order to buy tobacco, the poor man would be forced to go to the public-house. This he thought was a great evil. He would further observe that the *minimum* penalty directed to be enforced by this measure was 5*s*. A poor woman convicted of selling a half-penny apple was to be punished by a fine of 5*s*. or imprisonment for one month. This was very severe upon poor ignorant people, who without certain means of knowing the hour of the day might very innocently be led into an infringement of the Act. He thought it would be found impossible in practice to enforce these fines. For these reasons he begged to move that the Bill be read a third time that day three months.

Amendment *moved*, to leave out "now" and insert "this Day Three Months."

Lord CHELMSFORD said, he had certainly thought that after the very full discussion which this measure had received on former occasions, and particularly after the details of it had been very carefully considered in Committee, and after the subsequent expression of the opinion of their Lordships in favour of the Bill, he should not have had to encounter further opposition at this stage. The noble Lord who had just sat down must not understand him as making any complaint of the course which he had adopted. He must, however, say that the opposition to the measure had taken a totally different shape to that which was presented during the former stages of the Bill; because if he understood the argument of his noble Friend who commenced this discussion (the Earl of St. Germans) the ground upon which he now based his objections was that permission was given to trade on Sunday up to a certain hour, thus, as he said, giving legislative sanction to the desecration of the Sabbath. That objection had never once been urged during the previous discussions; and what was a most remarkable thing was that when the Bill was in Committee, and a proposition was made to allow the selling of certain things up to ten o'clock instead of nine, it was agreed to without any division. His noble Friend had said that he was satisfied that Sunday trading did not prevail now in the Metropolis to the extent to which it did formerly. He (Lord Chelmsford) did not know from what source that information was derived, but he remembered that not long ago a petition was presented to their Lordships by the Bishop of the diocese, in which it was stated that the petitioners believed that one-half the shops in the Metropolis were open on Sundays. His noble Friend said he would prefer that improvement should be brought about by moral and religious means instead of by a law to repress the objectionable practices; but that course had been tried over and over again and had perfectly failed. It was stated by his noble Friend that in Liverpool Sunday trading was formerly carried on to a considerable extent, but that latterly such trade had decreased, if it had not been altogether abandoned, and therefore his noble Friend argued that this consequence was produced either by the application of the law or by moral influence, and that if by the power of the law then there was no requirement for this Bill. He (Lord Chelmsford) apprehended that the change in Liverpool had arisen from a better feeling having sprung up in the minds of the people. But supposing it was the power of the law which had produced this consequence, he should say there was no analogy between the case of Liverpool and that of the Metropolis, for the law had been tried in vain in the Metropolis, and Sunday trading continued in defiance of it. He believed that this was because the penalties were much too small to give efficiency to the law. Another objection was that this Bill was confined to the Metropolis, and that, therefore, there was one law for a particular part of the kingdom and another law for the remainder. His object, however, had been to remedy the evil where it was felt; and there was no anomaly in this, for there were numerous Acts which applied to certain districts only where certain offences existed. He was sorry to say that the Metropolis presented a very unfavourable contrast to the other parts of the country. As far as he could understand, there was no Sunday trading in other large towns except Manchester; and he had been in communication with the stipendiary magistrates of that town, who assured him that, following out the principle contained in this Bill, and not suffering informations to be laid against parties for trading before ten o'clock, and that thereupon a much better feeling had grown up, the number of shops open on Sunday had very much diminished. The noble Lord who had just sat down (Lord Teynham) might be considered to represent two classes; those who objected to

Sunday trading and those who objected to any interference with Sunday trading as an infringement of the rights of the people. Many tradesmen complained that they were almost forced by the competition of their neighbours to open their shops, for otherwise their trade would be entirely lost; and his object had been to relieve those persons from the pressure on them, and to enable them to pursue a course consonant with their own feelings by a proper observance of the Lord's Day. He had had to encounter great difficulties in bringing this Bill forward. He was fully prepared to admit that no legislation would ever induce people strictly to observe the Lord's-day; for that matter must be left to their own consciences; but what he proposed would operate very much in that direction by enabling persons to close their shops on that day, who would otherwise from the fear of competition be compelled to keep them open; by so doing they would adopt a course which would afford a good example, and he trusted that before long there would be a general feeling that it was right to abstain altogether from Sunday trading. It had proved impossible to attempt to provide for the rigid observance of the law as it now stood. Any measure having that object would be denounced as oppressive to the poor, because, unfortunately, wages were still paid so late on Saturday night that working people were unable to procure articles which they required on Sunday until the morning of that day. He had endeavoured, as well as he could, to steer clear of the various difficulties which had beset him; and he trusted that the Bill was now in a shape in which the thousands of tradesmen who had come to their Lordships' House in favour of this Bill, and who earnestly prayed that the measure might be adopted, might have their wishes granted. He had striven as far as possible to remove all objections, and after being fully discussed on the second reading the Bill was carried by two to one. The sanction of their Lordships' House had thus been given to the principle of the Bill. All the petitions presented by the noble Lord (Lord Teynham) had been directed, not to the idea of this Bill being any legislative conservance of the Lord's-day, but to its being in opposition to the rights and privileges of the people. The noble Lord spoke of the hardships upon the poor and the penalties to be imposed; but he was at a loss to understand the noble Lord on that matter, more particularly when they remembered that the 29th Charles II. prohibited trading on Sunday and defined what it was. When he said that this Bill would be oppressive and tyrannical, he knew that it would be only directed against those who violated the law and that it would impose penalties on them. A Bill very similar to the one now proposed was introduced and passed in 1856, and it gave in the same manner the right to trade on Sunday within certain restrictions. In conclusion, he trusted that their Lordships would confirm the decision they had already come to on this Bill, and allow it to go down to the other House.

EARL GRANVILLE did not think the complaints of the noble and learned Lord, as to the opposition which his Bill had met with at its present stage, were justifiable; for the measure in its present shape was quite a different one from that to which their Lordships had given a second reading. He (Earl Granville) had a great objection to the employment of the police in enforcing the provisions of the Bill; but that portion of it having been struck out, he was informed by those who were most competent to give an opinion that the measure had no longer any chance of becoming operative at all. He saw no inconsistency in objecting to legislation for enforcing the observance of the Lord's-day, and at the same time in objecting to give any degree of legislative sanction to practices on that day which they must all deprecate. The noble and learned Lord admitted that an improved moral feeling had been found sufficient in Liverpool to put down Sunday trading; but what was there peculiar in the case of that city, which did not bear a particularly good reputation as regarded drinking? Why should not the Metropolis be equally amenable to moral influences? Indeed he was informed that though there was now more Sunday trading in London than formerly, it had not increased in an equal ratio with the population; and therefore it had in reality diminished. Seeing therefore that this Bill offended the religious feelings of a portion of the community; that it might inflict hardship upon another if it were ever carried out; and as he thought it highly objectionable to pass measures which there was no reasonable prospect of bringing into effective operation, if the noble Lord divided the House on his Amendment, he should support it.

THE BISHOP OF LLANDAFF believed

that this was the very first Bill which ever legalized Sunday trading. True, the sale of fish and milk on the Lord's day had been to a certain degree sanctioned, but that might perhaps be justified on grounds of necessity or of charity. Better leave it to every man's conscience to determine how he would observe the Sunday than introduce a principle of this nature. It was asked why moral suasion had failed to produce in London the salutary effect which had been witnessed in Liverpool in this respect. Now, their Lordships last year appointed a Committee to inquire into the spiritual destitution of the country, and the result of that investigation was that in no part of the kingdom was there so lamentable an amount of destitution as prevailed in the Metropolis. In Liverpool, on the other hand, the influence of religion was much more felt, and the people were brought into closer contact with the ordinances of the Church. He opposed the Bill because it was the first attempt of the kind to legalize Sunday trading in the Metropolis, and if, instead of legalizing the matter, means were taken for supplying the people with religious instruction, there would be no occasion for legislation of the kind.

THE BISHOP OF CASHEL had voted for the second reading of the Bill, believing its tendency would be so far to check the desecration of the Sabbath; but there was one clause to which he could not conscientiously give his assent, and should it remain part of the Bill he would not support the third reading. He referred to that clause which legalized the selling of newspapers and periodical publications of every kind before the hour of 10 A.M., which he thought so objectionable and so little called for by necessity or charity that he would move it be struck out of the Bill. He thanked the noble and learned Lord (Lord Chelmsford) for his exertions to promote the better observance of the Sabbath, and hoped he would not resist the Motion to get rid of this clause, which would legalize the sale on the Lord's-day of an immense quantity of vile publications. He wished to know from the noble and learned Lord on the woolsack if it was competent to move the rejection of the clause in question.

THE LORD CHANCELLOR said, it was quite consistent with the forms of the House to move the rejection of any clause after the third reading.

THE BISHOP OF CASHEL: Then I certainly will move the rejection of the clause to which I have referred.

On Question, That ("now") Stand Part of the Motion? Their Lordships divided: — Contents, 40; Not-Contents, 29; Majority, 11. Resolved in the Affirmative. Bill read 3ª accordingly.

CONTENTS.

Campbell, L. (*L. Chancellor.*)	Brodrick, L. (*V. Midleton.*)
	Calthorpe, L.
Marlborough, D.	Castlemaine, L.
	Chelmsford, L. [*Teller.*]
Exeter, M.	Clonbrock, L.
Westminster, M.	Colchester, L.
	Colville of Culross, L.
Amherst, E.	Congleton, L.
Belmore, E.	Cranworth, L.
Desart, E.	Crewe, L.
Haddington, E.	Delamere, L.
Harrowby, E.	Ebury, L.
Lucan, E.	Lyttelton, L.
Romney, E.	Polwarth, L.
Shrewsbury, E. [*Teller.*]	Redesdale, L.
Stanhope, E.	Silchester, L. (*E. Longford.*)
Clancarty, V. (*E. Clancarty.*)	Sondes, L.
	Stewart of Garlies, L. (*E. Galloway.*)
Doneraile, V.	
Dungannon, V.	Strathspey, L. (*E. Seafield.*)
Lifford, V.	
	Wensleydale, L.
Cashel, &c., Bp.	Wynford, L.
London, Bp.	

NOT-CONTENTS.

Newcastle, D.	Chaworth, L. (*E. Meath*)
Somerset, D.	Clandeboye, L. (*L. Dufferin & Claneboye.*)
Abingdon, E.	Dartrey, L. (*L. Cremorne.*)
Airlie, E.	
Caithness, E.	Dunfermline, L.
De Grey, E.	Foley, L. [*Teller.*]
Granville, E.	Harris, L.
Harrington, E.	Llanover, L.
Lonsdale, E.	Lyveden, L.
Minto, E.	Monteagle of Brandon, L.
Shaftesbury, E.	
Hutchinson, V. (*E. Donoughmore.*)	Rayleigh, L.
	Talbot de Malahide, L.
	Teynham, L. [*Teller.*]
Llandaff, Bp.	Vaux of Harrowden, L.
	Wodehouse, L.
Belper, L.	Wrottesley, L.

LORD CRANWORTH moved the insertion of words in Clause 7 (Certain Cases to which this Act does not apply), "nor to the Sale of any Post Office Stamps, or Stamped Envelopes" on Sundays.

LORD WODEHOUSE suggested that the sale of paper should also be allowed.

LORD CHELMSFORD agreed to the noble and learned Lord's proposal, but did not see any reason for the further Amendment. In case it became necessary to write a letter on Sunday there could be no difficulty in obtaining a sheet of paper,

and he should himself say that people ought to provide themselves with stamps.

Amendment *agreed to;* words inserted.

The Bishop of CASHEL moved the omission from Clause 7 of the words permitting the sale of newspapers and other periodicals before the hour of 10 A.M. and after 1 P.M.

Lord CHELMSFORD said, that by omitting these words they would break faith with those at whose request it was introduced, and who, but for its introduction, would have strongly opposed the Bill.

Amendment, by leave of the House, *withdrawn.*

Bill *passed* and sent to the Commons.

REFRESHMENT HOUSES AND WINE LICENCES BILL.

SECOND READING.

Earl GRANVILLE said, he did not apprehend that there would be much opposition to the second reading of this Bill. In the first place, it merely provided ordinary machinery to carry out and give effect to the reduction of the wine duties. He should think it necessary on another occasion to state in detail the provisions of the measure; but, considering the state of the House, he should not enter into them on the present occasion, unless he was called upon to do so. He should now simply content himself with moving the Second Reading of the Bill.

The Earl of HARRINGTON said, that considering the importance of this Bill, that only one day's notice had been given of the second reading, and that he had only received that notice at twelve o'clock to-day, it would be a very undignified course to press a measure of such importance, and which had occasioned so much discussion in the other House of Parliament, forward with undue haste. He thought it ought to be brought on at a period when there were more Members of their Lordships' House present. As far as he was concerned, if it was of great importance that the Bill should pass this stage, he should have no objection to make the observations he had to make upon going into Committee, or even upon the third reading of the measure.

Earl GRANVILLE assured his noble Friend that it would be a great convenience that the Bill should now be read a second time, and he would fix the Committee to suit the noble Earl's convenience. If, however, the noble Earl objected to that course, he would postpone the second reading.

The Earl of HARRINGTON said, he was quite content to make his observations on going into Committee.

Bill read 2ª, and *committed* to a Committee of the Whole House on *Friday* next.

House adjourned at Half-past Seven o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 5, 1860.

Minutes.] Public Bills.—1° Tithe Commutation.

CAVALRY COMMISSIONS.—QUESTION.

Captain D. O'CONNELL said, he would beg to ask the Secretary of State for War, Whether he is aware that since the reduction in the price of Commissions in the Cavalry the amount paid over Regulation has increased; and if it be the intention of Her Majesty's Government to enforce the Act of George the Third, which makes it illegal to give or receive any amount in excess of the Regulation price for Commissions in the Army?

Mr. SIDNEY HERBERT replied that he was not aware that since the reduction in the price of Cavalry Commissions the amount paid in excess of the Regulation had increased. There had been, perhaps, an increase in particular cases, but there had been a diminution in others, and he thought that it would require longer experience of the reduced rate before it could be decided whether it had had the effect of increasing or diminishing the price of Commissions. As to the second question, he thought the Government were bound to reduce, by all means in their power, the extravagant prices which were given for Commissions; but he was not at all certain that the Act of George the Third provided them with the most effectual weapon for the purpose. He believed that in questions of money, and of the value to be got for money, the provisions of an Act of Parliament were rarely, if ever, sufficiently stringent and comprehensive enough to prevent evasion.

CLERK OF THE PRIVY COUNCIL.

QUESTION.

Mr. DARBY GRIFFITH said, he wished to ask the First Lord of the Trea-

sury, Whether, in case of any appointment of a successor to the Office of Clerk to the Privy Council, he will suspend the decision of the salary to be allowed to the office until the House has had the opportunity of considering the subject in the Civil Service Estimates?

VISCOUNT PALMERSTON said, that Mr. Bathurst having resigned the office of Clerk to the Privy Council, it was designed that Mr. Helps should succeed him. The office was remodelled some time ago, upon the retirement of Mr. Greville, and the salary was then left at £1,200 a year, at which rate it was intended to continue it. There, would, however, be a saving of £500 when the office of Clerk of Returns fell vacant, as the duties attached to it would be transferred to the Clerk of Council without increase of salary.

TELEGRAPHIC COMMUNICATION WITH THE UNITED STATES.—QUESTION.

MR. WYLD said, he would beg to ask the Secretary to the Admiralty if it be the intention of the Government to furnish a ship or ships to survey the Northern Seas for the purpose of testing the practicability of laying a telegraphic cable from England to America by way of Scotland, the Feroe Islands, Iceland, Greenland, and Labrador?

VISCOUNT PALMERSTON said, the Government had no objection to furnish a ship to make investigations along part of the distance indicated by the hon. Member, not indeed as regarded all the stations, but at any rate as far as Iceland.

TRANSPORT SERVICE.

COMMITTEE MOVED FOR.

MR. LINDSAY said, he rose to move for a Select Committee to inquire into the organization and management of those branches of the Admiralty, War Office, India Office, and Emigration Board, by which the business of transporting, by means of shipping, troops, convicts, emigrants, materials of war, stores, and any other similar services, is now performed, with a view of adopting some uniform system by which such services may be economically and efficiently conducted, under the authority of one consolidated and responsible department. As he had been given to understand the Government intended to make no opposition to the Motion, he would content himself with stating a few facts. At present they had no Department directly responsible to that House for the transport of troops and stores. Such was not formerly the case, for even so far back as 1690, when it was found necessary to send a large force of troops to Ireland, months passed over before the Navy Board could get ships, and a Transport Board was formed which remedied the difficulty. During the late war with France from 1790 to 1816, a similar Board existed, which very satisfactorily and efficiently discharged the duties. In 1816 that Board was abolished, and the business of conducting this service had since then been vested in various Departments. Thus the Admiralty undertook the transport of troops and stores to our various possessions, with the exception of India; the East India Department undertook the transport of the troops which were required in India; and the Admiralty and the Emigration Commissioners were responsible for the transport of emigrants and persons employed by the Government. The various Departments of the Government bid in the market for ships against each other, and the consequence was that the shipowners, believing that a larger amount of tonnage was required than was really the case, demanded increased prices, and very often obtained them. Even in times of peace the loss in that way was very great, but in times of war the loss was still more considerable. When they first entered into the war with Russia there was no responsible Board to conduct the transport service of the country. He need not remind the House of the consequences which ensued. During the first year of the war the transport of troops and stores cost £5,000,000, and not a less sum than £15,000,000 was expended on the same service during the war. When the war broke out, the Duke of Newcastle, the then Secretary of State for War, proposed to organize a Transport Board and to obtain the assistance of the Emigration Commissioners, who had had great experience in transporting to distant countries large numbers of passengers. The measure was approved, but a difference of opinion arose between the noble Duke and the right hon. Baronet the Member for Carlisle, who then filled the office of First Lord of the Admiralty, each deeming that the Minister holding his particular office was the proper person to be at the head of the Board. In 1854 the Transport Board was organized, but only as a temporary

arrangement. He need not recall to the House the confusion and losses which occurred in the transport service previous to the formation of that Board, nor inflict pain by reminding them of soldiers left to die in the Crimea for want of food and clothes, which had not only been bought but actually sent out. It would be sufficient to state that while the service was conducted by the Admiralty the sailing ships cost £1 7*s.* 7*d.* per ton, and when the Board came into operation the price fell to 15*s.* 10*d.* per ton, although it was right to add that ships were not in such great demand the second year as they were the first. Still it showed what economy might be effected under an improved system of management. Ships were sometimes engaged by the gross tonnage, and at other times by the net tonnage. Now for the want of a Board of Superintendence familiar with the facts, there was a great loss sustained by engaging ships upon the one kind of tonnage rather than upon the other. In reference to the transport of troops, ships were engaged sometimes according to the rate per head of each man on board, and at other times they were engaged by the run. The latter mode was generally adopted in regard to the transport of convicts. If a Transport Board were considered necessary before, it became still more necessary now when the Indian army was about to be placed under the superintendence of the Minister at War—and when large numbers of European troops would be frequently forwarded to India. Military men could say whether it was for the benefit of the army generally that troops should remain so long a period abroad. If it were considered to be for the interest of the country that they should be oftener relieved from foreign duty, then it was manifestly desirable that there should be some organized system of transport under which they could be moved about with as little expense to the country as possible. He was informed that every soldier landed from this country in India cost £100. The Secretary of the Emigration Board stated that the cost of sending troops to India on an average of five years, from 1852 and 1857, was £14 10*s.* for each man's passage outwards, including everything that a soldier required; and £32 8*s.* homewards, making altogether £46 18*s.* Mr. Wood, who had filled the office of private secretary to Lord Hardinge, and was for some time one of the Emigration Commissioners, had published a pamphlet recently, in which he showed that under a good organized system troops could be sent out to and brought back from India at a cost of £30 per head. Now our trade with India had materially altered of late years. There was a large quantity of what was called dead weight sent to and from India—iron for railways going out, and saltpetre and sugar coming home. A ship filled her lower hold with those materials, and being unable to take a full cargo between decks, she was able to take out troops at a small cost. Those ships could be engaged at a low rate, provided the contract was made with the owner out and home. He did not think, therefore, that Mr. Wood had made too low an estimate when he said that troops could be sent out and brought home at £30 per head. In a pamphlet recently published by Mr. Kirwan in Calcutta, that gentleman, who had been engaged for a period of nine years in connection with the transport of troops to and from India, stated from his experience that there was much suffering experienced by the troops and a great loss of the public money from the want of a properly organized system of transport service. He (Mr. Lindsay) therefore felt that a necessity existed for establishing a new branch of the public service, which should have for its duties the superintendence of all details connected with the embarkation and disembarkation of troops, to whatever part of the globe they might be about to proceed. In case of war the whole energies of the Admiralty were required to fit out a fleet, and to man and provision ships. But at the very moment that the Admiralty were thus engaged orders came to them from the War Office to forward troops to different points, and at the same time other departments of the Government required them to execute their orders. It was impossible for the Admiralty to perform such a variety of work. His object in moving for a Committee was to organize one great Board, or one department of the Government, which should be directly responsible to the House for the conveyance of all our troops, whether to India or any other possession, and for the conveyance of all stores, munitions of war, and whatever else the Government might require to be sent there. Whether the representative of that Board in Parliament should be the Secretary of State for War or the First Lord of the Admiralty he would offer no opinion. That was a question for

the Cabinet to decide. If the Committee were granted, he had no desire to rake up old matters before it; he proposed simply to call before the Committee the heads of the different Departments — such as the East India House, the Admiralty, and the Emigration Board, and to obtain from them their opinions as to the best means of organizing such a system as would conduct the transport service to the greatest advantage to the country and to the troops themselves. There was now a much greater demand in this country for labour than formerly, and the Emigration Board was consequently not so much required as in past years. Indeed, the functions of the Emigration Board had nearly ceased for some time past. But all their staff and machinery being complete that Board might be reorganized under the title of the Transport Board, or any other name, and made most efficient for the carrying out of the transport service. In conjunction with the excellent chairman and secretary of that Board, the co-operation of some experienced military and naval officers might be secured, in order to constitute a most efficient Board.

SIR MICHAEL SEYMOUR seconded the Motion.

Motion made, and Question proposed,—

"That a Select Committee be appointed to inquire into the organization and management of those branches of the Admiralty, War Office, India Office, and Emigration Board, by which the business of transporting, by means of shipping, Troops, Convicts, Emigrants, Materials of War, Stores, and any other similar services, is now performed, with a view of adopting some uniform system by which such services may be economically and efficiently conducted, under the authority of one consolidated and responsible Department."

LORD CLARENCE PAGET said, it was not his intention to oppose the Motion of his hon. Friend. He might say, on the part of his right hon. Friend, the Secretary of State for India, as well as on the part of the Admiralty, that they would be glad that there should be an inquiry into the matters which had been adverted to in the speech of the hon. Gentleman. But after giving to the subject a good deal of consideration, he (Lord C. Paget) was afraid it would be found to present more difficulties than his hon. Friend imagined. He understood his hon. Friend to propose that the Emigration Commissioners should be formed into a perfectly independent board, and that whenever the War Office required any transports, either for the passage of troops or carrying provisions, or any warlike stores, they should apply to those Emigration Commissioners, with a view to having their arrangements carried out, and that the Secretary of State for India should do the same with regard to the whole Indian army. There was no doubt that the Board, however constituted, would have to perform very important functions, and he was not quite certain that it would not lead into one of the inconveniences which it was the great desire of his right hon. Friend the Member for Carlisle (Sir J. Graham) to get rid of when he abolished the Navy Board in 1835,—namely, the inconvenience of two independent Boards conducting services of the same nature. He was not prepared, however, to say that arrangements might not be made by which many difficulties might be overcome; but it was a very important point of consideration that the transport service was not wholly composed of merchant ships, but a considerable part of the transport was undertaken by vessels of war. It was manifest that it would be highly inconvenient that the Admiralty should give up the charge of those vessels which were strictly vessels of war, and place them in the hands of the Emigration Commissioners. On the other hand he was perfectly willing to admit that an efficient Transport Board would be a matter of the greatest importance, particularly at any future time when they might be engaged in serious operations. The Admiralty, no doubt, would be very glad to be relieved of the transport business, but he was bound to say that he had not heard of any great faults in the present system, neither did he see how a Transport Service could work in war time except under the control of the Admiralty. The Admiralty were in almost daily communication with the Horse Guards and the India-house concerning the transport of troops, but he was not aware that any complaints had been made of want of attention on the part of the Admiralty. Having stated that it was not the intention of the Government to oppose the scheme, he had only to suggest to his hon. Friend that he should leave out all the words after the word "performed" to the end of the Motion. He did not think it would be wise, under the present circumstances of the case, and before the matter was inquired into, that the Government or the public, as it were, should pledge themselves to the views of his hon. Friend—as they would do by the words, "with a view

of adopting some uniform system by which such services may be economically and efficiently conducted, under the authority of one consolidated and responsible department." He would submit to his hon. Friend that instead of, as it were, adopting that principle, it would be better to leave it to the Committee to inquire into the subject and to report their opinion unfettered.

MR. H. BAILLIE said, he was glad to find that the noble Lord did not feel himself called upon to oppose the Motion, which he (Mr. Baillie) considered to be one of greater importance than the noble Lord seemed to suppose. The noble Lord discussed the question rather as one in which the Admiralty was concerned, but he would find that a larger sum would be required for the transport service than he supposed, if, as was stated, the Government were about to maintain a Royal army of 80,000 men in India. Heretofore the transport service had been conducted altogether by the East India Company, but henceforward those duties should be performed by the Government. He offered no opinion as to whether a Board should be established for the purpose, but the service was certainly of sufficient importance to be controlled by a separate department. If India was in future to absorb 80,000 men, and reliefs took place every ten years, 8,000 men must be sent out every year; and, if a deduction of 10 per cent were made for loss of life by the climate, a further reinforcement of 8,000 must be provided. Thus there would be a transport service to India of 16,000 men every year. That was exclusive of the service to be performed in bringing men home. The transport of men to and from the Colonies was also to be considered; so that on the whole there was a very important and extensive field of inquiry for the Committee.

SIR HENRY WILLOUGHBY said, he concurred with the noble and gallant Lord the Secretrary to the Admiralty that the latter part of the Motion to some extent prejudged the principle upon which the transport service ought to be conducted, and ought therefore to be omitted. Remembering the ridiculously low estimate formed by a Cabinet Minister of the requirements of the transport service during the Crimean War, he thought it would be a great mistake to sever this department from the Board of Admiralty. It was impossible, however, to overrate the importance of the whole question. The hon. Gentleman who had just addressed the House assumed that they were in future to maintain 80,000 troops of the Line in India, but he (Sir H. Willoughby) apprehended that the number of men to be so maintained was a question which was yet to be decided. The proposal, however, to maintain in India a Royal army of 80,000 men would necessitate the outlay of half a million of money on the expenses of transport, while eight regiments would have to be kept constantly at sea, and might as well not be in existence. The question whether they could hold India by an army of soldiers of the Line from this country was a very doubtful one. In the latest collection of the Duke of Wellington's despatches and correspondence a letter written by him when Colonel Wellesley was published, in which he distinctly expressed his opinion that it was impossible to hold India by a Royal army, both on the ground of expense and likewise of the loss of life.

MR. MARSH said, he desired to bear testimony to the excellent arrangements of the Emigration Commissioners, by which perfect satisfaction had been given to the Colonies. He was convinced that, in addition to their other duties, they would be competent to undertake the control of the transport service.

COLONEL HERBERT said, he wished to express his satisfaction that the noble and gallant Lord the Secretary to the Admiralty had given the consent of the Government to the appointment of the Committee, because he believed the subject was one of the greatest importance. He believed that great economy would result from the adoption of the system suggested by the hon. Member for Sunderland. The proposal to create an independent Board might be worthy of consideration, but it would be quite necessary that whatever hands authority was reposed in should be thoroughly subordinate to the War Minister. He believed that a medical officer might be advantageously added to the Board.

MR. BENTINCK said, there was one point which had not been adverted to, and to which he wished to call the attention of his noble and gallant Friend opposite. It had always appeared to him (Mr. Bentinck) that the whole transport system had been on a bad footing, and that they ought, except in cases of extreme emergency, never to employ transports at all. Troops were never conveyed with so much comfort in transports as in troop ships. Besides which,

there was the additional advantage in maintaining a proper fleet of troop ships—that we would thereby have a large body of regular seamen available for naval purposes in time of war. What he would suggest was that, if possible, the troops should always be conveyed in troop ships, under the supervision of the Admiralty. The only objection that he had heard raised to this scheme was the additional expense which it would involve; but the additional expense would be small, and would be amply compensated for by the more efficient and rapid conveyance of the troops.

COLONEL LINDSAY said, he hoped the Committee would be able to arrange some cheap and well organized system of transport, which would admit of troops being relieved after shorter periods of service both in India and the Colonies. The term recommended by the Commissioners for keeping British soldiers in India was twelve years, but that period had since been modified to ten years, and that period was, he believed, too long, and ought to be reduced to six or seven years. It had been calculated that if a regiment went to India, and were left unrecruited by draughts from home, by the time their period of service had expired the regiment would have nearly disappeared. It was the first year which told most severely upon the raw recruits, and it therefore became desirable to consider whether it would not be better to send out regiments strong to India, only to leave them there a short time, and not to send out any draughts to reinforce them. He believed that the organization and efficiency of the army were involved in this question of reliefs.

SIR CHARLES NAPIER said, he was firmly of opinion that it would be much better to institute a new Transport Board than to have anything to do with the Board of Admiralty. That Board had a great deal too much to do at the present time, and if anything else were added to their duties they would perform them a great deal worse than they were in the habit of doing.

SIR JAMES ELPHINSTONE said, the facts elicited by the Committee on the Transport of Troops to India, of which he had been a member, convinced him that it was highly important they should look to the overland route as the most profitable means for landing their troops in India. Having had something to do himself with the transport of troops to India, his experience taught him that the greatest loss of life occurred immediately after the arrival of the troops in India; between the time of their disembarkation and when they reached their final destination. This might be avoided by conveying the troops, directly after disembarking, across the belt of country prejudicial to Europeans into a better climate. They might send a certain number every year from the garrisons in the Mediterranean across the Isthmus of Suez, and by the Red Sea to Bombay, from which place they might in a few hours be conveyed by rail to parts of India which were equal in point of salubrity to the south of Italy. At the same time it would be absolutely necessary at all times to take a certain number of men round by the Cape, and he believed that for young men, and especially those of them who had not led a very steady life in this country, three months on board ship was as good a preparation as could be for duty in India. On their arrival in India they might at once be conveyed from the place of debarkation. He agreed with the hon. and gallant Admiral (Admiral Napier) that the Admiralty had already too much to do. No mortals could perform the duties which were imposed on the gentlemen of that Board. He, therefore, thought it would be an advantage if the Transport Board were revived. During the Crimean war it promised to be one of the most useful establishments that period gave rise to.

SIR JOHN PAKINGTON said, he desired to express the satisfaction with which he had heard the determination of Her Majesty's Government to grant the Committee moved for by his hon. Friend the Member for Sunderland. He did not think that the time for entering into details which would become subject matter of inquiry by the Committee. The only question now before the House was, whether the subject did not present ample grounds for inquiry by a Committee. Whatever arrangement might be made with regard to the army of India, no doubt the supply of that army would render it necessary to adopt the most economic and effective transport. He was glad the attention of his hon. Friend the Member for Sunderland had been called to the pamphlet published by Mr. Wood. From Mr. Wood's experience as an Emigration Commissioner, no one could be more competent than he was to deal with the subject. His hon. Friend had quoted Mr. Wood's statement, that by contracting for the double passage, for £25 per man, sol-

diers might be carried to India and back; but he had omitted to read the important statement that the present cost of conveying them was £15 per man to India, and £35 back. It was, therefore, obvious, that on the mere ground of economy, if they could arrange a better system of transport they ought to do so. But he confessed that even the cogent ground of economy was not to his mind the strongest reason for inquiry into this matter. His hon. and gallant Friend (Colonel Lindsay) had alluded to another, of even more importance than economy, namely, the consideration whether an improved system of transport might not enable us to adopt an improved system of relief for our troops in India and the Colonies. Nothing could be more inconvenient to the service, and more dispiriting to the men, than to keep them in India and the Colonies beyond the time which had been stated to them when they enlisted. As his hon. Friend had suggested, under an improved system of transport they might be able to send out troops to India in battalions, and avoid the sending of draughts.

Mr. LINDSAY said, he thought his Motion, perhaps, asked for a little too much in asking the Committee to adopt one uniform system. It might by some possibility happen that the Committee might think the present system of transport the best that could be adopted. He thought the object of the Motion would be gained and the hands of the Committee left unfettered if the Motion concluded at the word "performed." He believed the great strength of the service lay in the mercantile marine. The maintenance of an efficient fleet of troop-ships would cost the nation an infinitely larger sum than the employment of transport ships.

Motion, by leave, *withdrawn.*

Sir JOHN PAKINGTON said, he would suggest that the Motion should stop at the word "conducted."

Motion *agreed to.*

Select Committee *appointed,*

"To inquire into the organization and management of those branches of the Admiralty, War Office, India Office, and Emigration Board, by which the business of transporting, by means of shipping, Troops, Convicts, Emigrants, Materials of War, Stores, and any other similar services, is now performed."

CIVIL SERVICE EXAMINATIONS.

RESOLUTION.

Mr. BAILLIE COCHRANE said, he rose to move a Resolution to the effect that the Civil Service Commissioners should publish, with their annual Reports, all the examination papers submitted to candidates, specifying the proportion in which the *maximum* of marks assigned to each branch of knowledge was divided among the questions contained in each paper. It was not his intention to trespass long on the attention of the House, but he trusted that the Chancellor of the Exchequer would prevent the necessity of his dividing the House on the Motion. Had the Civil Service Commissioners acted on the opinions to which they had given publicity in their first Report the present Motion would not have been necessary. In that Report they stated:—

"We conceive that it would be very convenient to those persons who may contemplate entering into the public service to be correctly informed as to the rules and qualifications which are prescribed by the various departments."

The Report went on to say—

"We feel, also, that the powers intrusted to us are so novel as to render it our duty to take the first opportunity of giving a full account of the manner in which we have exercised them."

Now, that view had not been carried out, and he could not help regretting that the Commissioners had not in their last Report given the whole of the examination papers, but had confined themselves to giving those only connected with India. The consequence was that an injustice was, in his opinion, done under the existing system to those young men who presented themselves before the Commissioners, and who were left in ignorance of the examination to which they were subjected. The House would remember the feelings that were expressed when the system was first instituted. Lord Monteagle stated in "another place" that its effect would be to transfer the whole of the power of the Crown to three irresponsible gentlemen perfectly unacquainted with the duties connected with the several departments which they were called upon to examine. Lord Brougham also — than whom, on such a subject, there could be no higher authority —declared that people must hold up their hands in astonishment at such a system. Now, it appeared to him that many of the disadvantages which were associated with it might be obviated if the Commissioners would only make their proceedings as public as possible, and in making that suggestion he did not wish it to be supposed that he intended to cast the slightest imputation upon the fairness with which

those gentlemen performed their duties, but he thought the system ought to have been carried out in such a manner as to leave no ground for the expression of disapprobation. In dealing with the subject in the course of last Session he had called the attention of the House to the hardships connected with the case of the temporary clerks, and since then instance after instance had been brought under his notice in which gentlemen who had passed sixteen or seventeen years in the public service, and had during that time most faithfully and efficiently performed their duties, found themselves, at a period of life when it was too late to enter another profession, called upon to pass a competitive examination, in which they were but too often defeated by younger men who had been "crammed" for the ordeal, and were, as a consequence, left utterly destitute. He might quote many such cases from a document which he held in his hand, but he should only trouble the House with one or two. A particular gentleman had, for example, received an appointment as landing waiter to the Customs at Bridgtown, Barbadoes, with a salary of £200 a year; he was promoted in 1844, and again in 1845, when he became senior or first-class landing waiter. In 1853 he had been again promoted, and had subsequently been appointed to the situation of a temporary clerk in the Audit-office at Somerset-house, but his prospects had ultimately been destroyed owing to the fact that he failed to pass an examination under a system which had been instituted twelve years after he had entered the public service. Now, he should like to call the attention of the House to the able remarks of the Earl of Malmesbury in relation to the service of unpaid *attachés*. That noble Lord, in writing to the Commissioners, said:—

"The average service of unpaid *attachés* is of five years' duration before they are promoted and subjected to this second trial. At this period most of them have attained twenty-four or twenty-five years of age; and, if they are rejected, they are too old to enter any other profession. Within six months you have rejected four young men who were, in my belief, competent to carry out all the duties which are required of *attachés*; and two of these, I have no hesitation in saying, are remarkable for their general accomplishments, and especially for their knowledge of languages. The result has been that, for a service which was so much in favour in 1852 that I had then a list of thirty-one candidates for attachéships, I have now only two; and, unless the gentlemen whom you have rejected should be allowed to try again, I cannot fill the vacancies."

He should next advert to the opinion expressed by the Lords of the Admiralty themselves, which was printed by the Civil Service Commissioners:—

"My Lords are of opinion that the order in Council does not apply to Mr. A. B. Mr. A. B. entered the civil service in July, 1852, as a clerk in Malta Dockyard, where he served till November, 1855. He was then transferred to the Admiralty in London, where he served as a clerk from December, 1855, to October, 1857, and again from March, 1858, to the present time. As Mr. A. B. entered the civil service three years before the Order in Council was issued, the want of a certificate on his first entry cannot now be a disqualification, unless the order is retrospective. If the order be intended, as it obviously is, to guard the public against the admission to the civil service of unqualified persons, no certificate can be necessary or reasonably required in the case of a civil servant whose fitness has been amply and creditably proved."

Now, he complained in the first place that the action of the Civil Service Commission in those cases was retrospective, and in the next place that the examinations were competitive. There was, he contended, no authority for taking such a course in regard to appointments to the Civil Service, except such as were furnished by China. There were, it was true, examinations carried on in Denmark for the Civil Service, and in Germany, but they were not competitive. In France, also, there were examinations, especially of the medical profession; but they were carried on in public; a jury was appointed to examine the answers; the answers were all given in public; they were read out in public. In fact, every possible publicity was given to them. Now, with respect to the examinations in China, Sir John Bowring made a statement, which he should like to read to the House. It was as follows:—

"The war in 1841 was called the Opium War, and he believed it would never have taken place, if the Emperor had not sent down a very learned Chinese—Commissioner Lin—but a man of incontestable ignorance as to countries and nations, and who, above any one, was likely to involve China in a quarrel. He had risen from the ranks; for among the Chinese it was a rule that the humblest may rise to the highest station in the empire. It was all the result of competition. Their educational system invited the children of every village to send their most advanced scholars to one centre for examination, with a view to State appointments, and examiners were sent down from the capital charged with the mission of selecting the most competent."

What he (Mr. Cochrane) asked was, that these examinations should be made public, and that the value of the questions, taking the maximum number of marks, should be put opposite to each question. He did not

want to make invidious selections; but he would read to the House a few of the questions set to a young man seeking an appointment in the Admiralty. He would take paper No. 2, and read three questions *seriatim*. The first of them was as follows:—

"There are two mountains such that if 126 feet are added to four times the height of the lower one, the sum is half the difference between their heights; given, that the lower one is 441 feet high, find the height of the other."

[Mr. GLADSTONE: Hear, hear!] The next was,

"What is the length of the longest day at a place where the sun rises on that day at 3h. 49m. 51s."

and he should very much like to know whether the right hon. Gentleman who cried "hear" would be able to answer it off-hand. Then came another.

"How many entire days have elapsed since the opening of the Great Exhibition in Hyde Park?"

Such questions as the following were also put to candidates for situations in the Admiralty and Somerset House:—

"Explain the terms 'latitude' and 'longitude.'" "Estimate roughly the latitude and longitude of Madrid, Naples, Pekin, New York, and St. Petersburg." "Name the Welsh counties bordering on the Bristol Channel; the two westernmost counties of Connaught; the two northernmost counties of the Scotch mainland; the counties crossed by a straight line from Lincoln to Shrewsbury." "What counties are drained by the Thames, Severn, Trent, and Ouse respectively? Name the chief ports of their respective estuaries." "Describe the position of the following headlands:—North Cape, Cape Clear, Cape Horn, the Naze, Cape St. Vincent, the Lizard, Cape Guardafui, Cape Cod, Cape St. Rocque."

The following questions were also put:—

"Name (*a*) the counties which a collier would pass in sailing from the mouth of the Tyne to Gravesend.

"(*b*) The counties on the coast between Belfast and Dublin.

"(*c*) The counties of the Highland border of Scotland.

"Describe, as accurately as you can, the positions of Heligoland, Madagascar, Singapore, St. Thomas's Island, Juan Fernandez, the Moluccas, and Vancouver's Island. On what nations are they respectively dependent? Name the productions of those among them which are commercially important."

Some of these questions were excessively difficult to answer; and if the Commissioners were justified in putting them they ought to affix the number of marks to show the value they attached to them. He did not see what objection could be made to the regulation he proposed. It would be only fair to the candidates, because it would enable them to see the value of the questions, and in what manner the *maximum* of marks was attained. It was very much to be regretted that this system of competitive examination had been introduced, and it was very doubtful whether the country would be benefited by it. It was sometimes said that the old system was aristocratic. The contrary was, however, the fact. It was under the old system that such men as Stephenson, Arkwright, and Hargreaves rose to eminence. If a system of examination had been in existence the country would have lost the services of many of its most eminent statesmen and gallant officers. He doubted whether the country would ever have attained its present eminence under such a system. The qualities most desirable in public men—zeal, diligence, public honour, and private integrity—were precisely those in which candidates could not be examined. The examination failed, indeed, in attaining a knowledge of all those qualities that made men eminent. In their first Report the Commissioners reflected on the ignorance of the civil servants; but he would assert that no country was better served in her civil departments than England. If, however, these examinations were still to be carried on, they ought to be conducted with the greatest publicity and fairness. The Government were bound, also, to be just to those who had served it faithfully, and who had entered the service before the servants of the Crown were exposed to this kind of inquisition. The hon. Member moved that for the future the Civil Service Commissioners shall publish, with their Annual Report, all the Examination Papers submitted to candidates, specifying the proportion in which the *maximum* of marks assigned to each branch of knowledge is divided among the questions contained in each paper.

MR. BENTINCK seconded the Motion.

THE CHANCELLOR OF THE EXCHEQUER: I must confess, Sir, that in common with my colleagues, upon examining the Motion which my hon. Friend has just brought before the House, I considered it open to very grave objection. But I am bound to say that if there had been any doubt at all as to whether the tone of the Motion was capable of a favourable interpretation, I think the speech my hon. Friend has just delivered would at once have settled the matter to the conviction

of every one except those who entertain the opinions which he has so frankly avowed. I cannot consider, and I trust the House will not consider, the Motion apart from the speech, because the granting of the Motion would unquestionably be construed with reference to the speech —a speech the *animus* of which cannot for a moment be mistaken. My hon. Friend does not for a moment attempt to conceal his views. He gathers together such scraps of authority as he can find—and scraps, indeed, they truly are—to show that, in his opinion the whole idea of examining candidates for the Civil Service is mischievous and absurd. He complains that that the examination is retrospective. What does he mean by retrospective? Does he mean that those who were in the Civil Service at the time the system was introduced are required to submit to an examination as the condition of their retaining their offices? That would be a retrospective examination. But my hon. Friend means no such thing. He means only that entering the Civil Service in one department does not of itself secure the right of emigrating from department to department, however incompetent a man may be for the business of that other department, without being subjected to the test of an examination. That was the case put by my hon. Friend. He gave the instance of a gentleman appointed landing waiter in the Customs—I think he said in Barbadoes—who wished to transfer himself to a situation in the Audit Office here —a situation which no man can accept without examination; and then my hon. Friend declared it a gross and monstrous hardship, and can hardly find words to give vent to the strength of his feelings, because the gentleman was not allowed to carry himself from being a landing waiter in Barbadoes to an office in the Audit Department of Somerset House, without being subjected to examination. That is what he calls a retrospective system, and what he considers to be the height of absurdity and injustice. I think it is impossible to exaggerate the mischief which would be done by the adoption of such sentiments as those. I am very much indebted to my hon. Friend for having made no secret of his views. He adopts apparently, the extravagant sentiment which he ascribes to Lord Monteagle—I hope untruly—that this system hands over the whole patronage of the Crown to three irresponsible gentlemen. In point of fact,

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the question he wants to bring to an issue, and the question which I submit he ought to have put fairly and openly to issue, is, whether the present system should be maintained or should be abolished. The question before us is not the comparatively narrow and paltry matter which the Motion on the face of it expresses. The whole reasoning and arguments of my hon. Friend, so far as they have any end in view, tend towards the abolition and extirpation of the system of examination for the Civil Service. My hon. Friend, who is so much alive to the hardship of examining a landing waiter from Barbadoes before he is allowed to enter the Audit Department in Somerset House, is not at all alive to the evils of another class, which this system was intended to meet, and which I maintain it has done much to extirpate, or, at least to qualify. He does not take into his consideration the vast and huge jobbing power continually at work in the country, and at work not unfrequently through the medium of Members of the House of Commons. Because, although it would be absurd to suppose that any hon. Gentleman who ever had a seat in Parliament, could, by possibility, under any circumstances, lend himself knowingly to the perpetration of a job — yet even Members of Parliament of great eminence—even Members of Parliament possibly who now take a great interest in this question—may unwittingly, wrought upon by designing men from without, be made the instruments of perpetrating jobs against the public. Now, this system of examination was instituted in a spirit of hostility to such a system of jobbing, and with the view of obtaining the best men the public could obtain to discharge the duties of the public offices. My hon. Friend said the public was admirably served under the old system. I rejoice to say that, quite independently of any examination, in many offices the public are admirably served, and that there are many gentlemen who entered into the public service not since the system of examination was established, but long before it, who would be an honour to the Civil Service of this or any other country. But I take leave to join issue with my hon. Friend if he says and thinks that in all departments of the Civil Service the public has been admirably served; or even if he thinks that before this system was instituted all reasonable precautions were taken to secure that the public service was

performed in the best manner possible. I do not know what his experience of the Civil Service is which has enabled and authorized him to deliver so confident an opinion on the character of the civil servants, universally, in all the departments of the country. But I do not hesitate to say that there have been many offices in the Civil Service which, so far from being admirably filled, have been miserably filled; and which never could have been thus miserably filled under the system which was established a few years ago, and which my hon. Friend now seeks to abolish. The Motion of my hon. Friend itself is of so narrow a kind that one feels himself degraded in descending from the discussion of the broad principles which he laid down in so uncompromising a manner, to criticise the particular terms of it. But the Motion is one which appears to me decidedly exceptionable. My hon. Friend says, it is exceedingly desirable to give full and fair notice to those who are to be examined under this abominable system, of the nature of the examination which they are to undergo. Now, Sir, there lies a most important fallacy in that doctrine when it is wrongly understood. It is most important—it is required by justice—to explain to those who are about to be examined the general nature of the examinations. But it is not merely not important—it is mischievous—it is fatal to the efficiency of the examinations to explain to the candidates too precisely the nature of the examination they are to undergo. I think my hon. Friend, with such bowels of compassion for the hardship inflicted upon young gentlemen shut up with pen, ink, and paper, and their own brains and nothing else to help them, ought to have moved that the questions be always published, not after, but before the examinations. By that means even the landing-waiter from Barbadoes would be able to make his way into the Audit-office, notwithstanding that oppressive examination which before proved fatal to his advancement. But, Sir, that kind of particular information without bounds and without limits, which my hon. Friend seeks to secure is not a desirable thing. It would tend to destroy the efficiency of examination, the honesty of examination, and instead of encouraging these young men to seek information to put them up to cultivating and furnishing rightly their minds for all the tricks and stratagems which may be applied, and sometimes are successfully applied with fatal effect, for the purpose of vitiating this process of examination and evading those tests which it is the object of the examination to secure. My hon. Friend with great magnanimity said that he was not at all disposed to commit an act of injustice towards the examiners; he would by no means quote particular questions which might be misunderstood; and, having laid down the general principle, he immediately proceeded to quote a string of particular questions which appeared to him very ridiculous. [MR. B. COCHRANE: They all followed each other.] I implied as much when I said a string of particular questions. It was not easy to find a word which would more clearly express that they followed each other. I would venture to say this, however, that there never was a good examination paper set which would not give occasion to a titter if it were read out in a mixed assembly before gentlemen who are not met for the purpose of undergoing examination, but upon matters quite different from scholastic examination. Having listened to those questions, I do not hesitate to say that they appear to me to be extremely reasonable and proper, and very well calculated to test general knowledge and capacity of the candidates, and do credit to the judgment of those by whom they were framed. I do not wish to be interpreted too strictly as to every individual instance; but, having heard the list of questions read by the hon. Member, I unhesitatingly give that opinion as to their general tenor. My hon. Friend says that the value in number of marks ought to be attached to each of those questions. It really seems as if my hon. Friend was determined to do everything to weaken and enfeeble a system which he found himself unable to destroy. Lest there should not be already inducement enough, as there unfortunately is, to avoid the pressure of examination by getting up particular points, my hon. Friend wants to have artificial aids given to candidates in selecting the questions for which they are to prepare themselves, and by answering which they will obtain the greatest number of marks. In the first place such a proposal requires a degree of detail which it would be absurd and ridiculous to ask the examiners to enter into, and in the second place it would be a thing of no manner of use whatever, except to encourage these young men to cram for particular questions. The real question is whether the examiners have

given to those who were to be examined that sort of general information as to the character of the examination which is fair and just. And what have they done in their third Report? For once they did publish the whole mass of the examination papers that they had set for the year. For once they did that, in order that there might be laid out before the candidates fair means and opportunities of becoming acquainted with the general scope of the examination. But to pursue the same course year after year, and to publish the whole of their examination papers would, in the first place, load their Reports and the shelves of the libraries of this House with a vast quantity of the most worthless and useless matter. One of the most important branches of this examination, for instance, is arithmetic, and what could be more ridiculous than to call upon the examiners by the special interference of the House, to give in detail every sum or problem in arithmetic which was put before every person who came forward to be examined for the Civil Service of this country? Such a measure would be most mischievous as regards the amount of needless expense to which it would put the country, and still more mischievous from the tendency it would have to encourage trick and stratagem in the young men, instead of leading them to trust to the fair and manly process of a sound and well-conducted education. I think the Motion, framed as it is, lays down principles which are very exceptionable; but if the opinion of the hon. Gentleman and the general opinion of the House really are that the examiners have not done enough to make the candidates acquainted with the general character of the examination, the mere expression of that opinion moderately and deliberately made by those who had looked into the Reports and really considered the questions, when conveyed to the examiners themselves would, I have no doubt, have great weight with them. But I should like to know whether there is in this House any one man who has considered carefully the whole of the papers published in different years by the examiners, and having considered them has made up his mind that they are not sufficient to give fair information to the persons to be examined. Has any man in the House done that—has my hon. Friend himself read them all? I should like my hon. Friend to answer that. He was very ready to speak just now when he had something to say, but he is not so willing to speak now. But if he had, and if he considered that sufficient information was not given, it would be a matter well worth the attention of the examiners, and which I am sure they would take into consideration. But that would be no cause for the interference of the House by a Motion, which, to say nothing of the speech by which it was supported, is in the nature of a censure and a discouragement. The doctrine I would press upon the House is this, that the gentlemen who discharge the duties of examiners ought not to be discouraged but encouraged in their difficult task. What time, again, has my hon. Friend chosen for his Motion? He tries to force us to interfere in this system at the very moment that we have recently appointed a Committee to examine it—when the Committee, as I understand, has nearly concluded its labours and is preparing its Report, but at a time when we are entirely ignorant of the nature of its Report. Thus, in the first place, we appoint a Committee to examine the subject, and then, at the instance of my hon. Friend, we proceed to prejudge a most important matter. Nothing could be, I would almost say, more irrational on the part of the House, and less in conformity with its usual mode of proceeding, than to have selected a body of men in whom we have confidence to look into the whole matter and report to us their opinion as to the nature of the system, and just at the moment when, within a few weeks, or days, we may expect the result of those inquiries, we should, on the speech of my hon. Friend, proceed to anticipate them, and, possibly, to cross and contradict what they would recommend by the adoption of this Motion. Sir, for these reasons, and, if time were not valuable, for many other reasons which could be given, I trust the House will not agree to the Motion of the hon. Gentleman, if it is not to late to express a hope that he himself will not press the Motion.

Sir FREDERIC SMITH said, that having been for a number of years engaged as a public examiner for the East India Company at the Royal Military Indian College, Addiscombe, he could corroborate the justice of the observations which the right hon. Gentleman had just made, with one exception. To publish annually the examination papers of any institution would undoubtedly have the effect of acquainting the Masters of cramming schools with the system of examination, so that can-

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didates would come up, not well grounded in any one of the sciences or branches of knowledge in which they were to be examined, but with a few particular points specially got up for the occasion. He saw no harm, however, in putting on the examination paper of the day the number of marks assigned to each question. That would enable the candidate who could not, as few ever did, answer the whole of the questions within the limited time which was allowed, to select those which would give him the greatest number of marks. These competitive examinations, he was satisfied, tended greatly to improve the civil and military services. No doubt, it was impossible to ascertain all the qualities of a public servant, in either branch, but these examinations afforded a satisfactory test of his information and powers of usefulness. If one could not test the courage or endurance of a young soldier, one could at least discover the calibre of his mind and the general extent of his education. With regard to the publication of the examination papers, he believed that if those of Addiscombe for the last twenty-five years alone were produced and laid upon the floor of the House, they would form a heap five feet in height. It would be well perhaps that the Civil Service Commissioners should occasionally give a sample of their questions, but to publish the whole of them would be perfectly monstrous. If a young man saw that by answering a question in geography he could obtain forty marks, and that by answering a question in algebra he could obtain sixty marks, he would address himself to the question which he was most able to answer.

THE CHANCELLOR OF THE EXCHEQUER: They give the value of the answers in the different branches.

SIR FREDERIC SMITH said, that was true, but they did not give the marks for each particular question, and that made a vast difference. Young men who came up for examination were always nervous, and the knowledge of the number of marks to be given for each question would give them some confidence.

MR. BENTINCK said, that the Chancellor of the Exchequer had not touched one of the objections which had been raised by his hon. Friend. Indeed, his speech on this subject was as remarkable as many others they had heard from him in that House; and if the right hon. Gentleman had not particularly addressed himself to the hon. Member for Honiton, he should not have known that the right hon. Gentleman was speaking to the Motion before the House. The right hon. Gentleman complained of the *animus* which was to be discovered in his hon. Friend's speech, but as the House had often listened to many eloquent speeches without being able to discover, after paying the greatest attention to them, what was the *animus*, he thought that was rather complimentary than otherwise to his hon. Friend. The right hon. Gentleman said that the great object of these examinations was to prevent the possibility of jobbing. If that were so, he thought they might be applied to the Treasury Bench with great advantage to the public service. The right hon. Gentleman went on to say, that prior to the establishment of this system many offices were miserably filled. There was an additional argument why the system should be applied to the Treasury Bench, because it would not be difficult to point out offices which had been miserably and ruinously filled; whereas, with a competitive examination, the holders of them might not, possibly, have been placed in a position where they had done no good to the public service. The right hon. Gentleman asserted that the effect of the system was to establish the general knowledge of the person under examination. That was exactly what his hon. Friend complained of,—that the object was not to establish the fitness of the applicant for the office which he sought to hold, but his general knowledge upon subjects which had no reference to the duties which he would have to perform. The right hon. Gentleman objected also to overloading the shelves of the library, and no doubt the right hon. Gentleman would care little if all records and figures were erased from the memory of the House, as well as excluded from the library. The right hon. Gentleman went on to complain that his hon. Friend had treated the House to a few scraps, as he called them, from the examination papers. In consideration of the time of the House, his hon. Friend abstained from quoting numberless instances of the absurdity of the questions; but, as the right hon. Gentleman seemed to think the scraps of his hon. Friend insufficient, he would try, by the addition of a few more scraps, to make a dish sufficiently large to satisfy the appetite of the right hon. Gentleman. Some questions were so remarkably absurd that it was hardly possible to believe that they could have been drawn up by

men of intelligence and education. He would quote from questions submitted to young gentlemen who wished to enter the army.

THE CHANCELLOR OF THE EXCHEQUER: The Civil Service Commissioners do not examine for the army.

MR. BENTINCK said, he would quote these questions, to show what was the system of competitive examination; and, having demonstrated the absurdity of the questions given to young men who were examined for commissions in the army, he would prove that the Civil Service questions were still more absurd. This was the minor case, he would come to the major directly. All these examinations were based on the same system. One question was:—

"Make a sketch of a cliff, quarry, or railway cutting; mark the lines of bedding, and the joints by which courses of rock are divided."

If any hon. Member wished to give up politics and join a marching regiment he would be expected to know—

"What physical peculiarities and what kind of organic remains especially characterize deposits formed in shallow water, and between tide-marks?"

These were the questions put to men who were to do duty as soldiers:—

"What are the principal data for determining the geological age of a stratified rock?"

"What peculiarity of structure distinguishes the fossil fishes of the older rocks, and in what strata do the Cycloid and Ctenoid fishes make their appearance?"

He would read to the House the opinion of a learned critic upon the proceedings of the gentleman whose case was before them:—

"A general knowledge of history and geography is required of unpaid attachés. The history from 1798 until the period at which the 4th volume of Russell's *Modern Europe* terminates. Our province is to examine how far the Commissioners have confined themselves to this scheme, and in order to do so we will make use of the papers of their published Report (No. 3), and some questions which have been omitted in them."

It appeared that some of the questions were so remarkable that they were erased by the Commissioners themselves before they were published. The commentator proceeded:—

"In some we shall take the liberty of pointing out the absurdity, in others the almost impossibility, of answering them correctly:—

"No. 11 of Paper III., page 237.—'What are the colonial possessions of Spain and Portugal? Describe the constitution of any one of them.'

"It would not be difficult to say how the Spanish and Portuguese colonies are governed, but what 'constitution,' in the accepted sense of the term, has been granted it would be difficult to say.

"No. 4, No. 6.—'Point out any permanent traces of Napoleon's conquests still existing on the map of Europe."

To this was appended another question:—

"Is the present Emperor his legal representative?"

The commentator remarked:—

"This portion has been very wisely omitted in the public Report; its want of sense needs no comment."

Another question was:—

"Who were the following persons—Kutusoff, Haller, Euler, Kant, Lessing, Kotzebue, Darwin, De Saussure, &c.?"

Not one of them were names of English notoriety. [Sir GEORGE LEWIS: Not Darwin?] He must apologize for having omitted to notice Mr. Darwin's name, but he begged to say that he was not under examination:—

"In an examination which lasts four hours, in one of the questions the person examined is told to

"'Discuss the most important political questions which have agitated Ireland in the last thirty years.'"

THE CHANCELLOR OF THE EXCHEQUER: Are those the words?

MR. BENTINCK said, he was reading from a paper which professed to give a correct copy of questions which had elicited these comments from a high authority called to examine into the system of Civil Service examinations, and if there were any error it was only a clerical error, which he should be happy to correct. The person examined was to discuss the most important political questions which had agitated Ireland for the last thirty years. A debate in the House would be nothing to the extent of the answer. Another requirement was to—

"'Mention the enactments they have led to, and the most eminent men who have taken a prominent part in connection with them.'

"This is one of eleven questions, and not that which would require the briefest answer.

"'Mention, in order, the most memorable battles of the Peninsular war, and describe one of them minutely.'"

The commentator asked:—

"Has the examiner ever read a minute description of a great battle? He had better turn to Jomini and Napier before he ventures on such dangerous ground."

There were a number of other questions with which he would not trouble the

House. He believed that the Civil Service Commissioners were the persons to whom was intrusted the duty of arranging the description of examination for each particular department. He thought that an error, and that the examinations should be defined by the heads of those departments. But the worst feature was the utter want of confidence in the system which possessed the minds of the people of this country, and so long as the Commissioners were allowed to act without any kind of check or responsibility nothing would remove from the public mind the impression that, whatever amount of jobbery there might have been under the old system, it was much greater since the institution of the Civil Service Examinations. Not very long ago a person in humble circumstances came to him to obtain some sort of berth for his son, under the mistaken impression that as he was a Member of the House there could be no difficulty about it. He told the man that he could not help him, that everything now was under the Civil Service Commissioners, that he must qualify his son to pass an examination for the department in which he wished him to be placed, and that then he would do his best to get a nomination for him, and the rest would remain with his son. The applicant scratched his head, and after a moment's hesitation replied, "You see, Sir, that's all very well what you say, I've inquired all about all them examinations, and this is how it is—them as competes, when they's competed, if they ar'n't no friends they gets nothing." That really was the impression on the minds of persons in that class of life as to the way in which the system was worked. So far from the country believing that they had done away with jobbery, the general feeling was that a most offensive and most atrocious system of jobbery had been inaugurated. The chief point, however, to which he desired to direct attention was the irresponsibility which it seemed to attach to the proceedings of the Civil Service examiners. Irresponsible power was a privilege that even Her Majesty's Government would not venture to claim; but then Civil Service examiners not only claimed complete and entire irresponsibility, but it had been established as their right by a vote lately passed by the House itself, when upon a previous occasion he had brought the subject before them. Now, he maintained that so long as this was the case, so long would the system suffer; because whoever might be the men, and whatever might be their character, their position, and their intentions, so long as they controlled the entire patronage of the country, and were deprived of any responsibility to any individual or body in the realm, so long would there exist the feeling of dissatisfaction he had described, and so long would there be a recurrence of such Motions as that then under discussion. It was mainly on the ground of his objection to their having the disposal of the whole patronage of the kingdom, without any responsibility, that he rested his support of this Motion.

LORD STANLEY: My hon. Friend (Mr. Bentinck) objects to the system of competitive examinations on the ground that the Commissioners are entirely irresponsible; but I think that the very fact of our being now engaged in a debate on the manner in which these examinations are conducted is a sufficient proof that the Commissioners are responsible to this House and the public, to whom, through the medium of this House, they make their annual Report. My hon. Friend says, too, that though there might have been jobbery under the old system, you have a greater amount now than before, and that the popular impression is that those who have no friends are always unfortunate in these examinations. There certainly may be some points on which the advantages of the system recently established may reasonably be disputed, but there is one, I think, on which no one has ever questioned the advantage which it possesses, and that is that to the extent to which competition prevails it treats the candidates entirely irrespective of friends in or out of this House. Whether you have got a system or not by which merit is fully tested is one question; but so far as it is tested under the present system it is by his merits alone that a man stands or falls. An expression has been quoted in this debate as having been used in "another place" about the patronage of the Crown and the Government having been transferred to an irresponsible body; but it is the greatest mistake to talk about patronage, in the ordinary sense, being transferred to the Civil Service Commissioners. You might just as well say that a Judge who sits to try a cause in which the right to an estate is involved has the patronage of that estate. Undoubtedly it rests with the Judge to decide to whom the estate belongs, and

so it rests with the Commissioners, or their examiners, to decide who are entitled to certain appointments. When you speak of patronage you mean an appointment which is conferred according to the will and pleasure of the person conferring it; but in the case of the examination before the Commissioners there is no question of their will and pleasure in the matter—they are simply called on to say which candidate is thought to be most fitted to fill a certain appointment according to definite regulations previously laid down, from which they cannot depart. My hon. Friend will also be happy to hear that there are no grounds for his complaint that the subjects of examination are fixed by the Commissioners, and not by the heads of departments, who, as he truly says, are the persons principally interested. What takes place is this—the heads of departments state the branches of knowledge in which they require the candidates for their departments to be instructed — that is arranged in correspondence between the Commissioners and the heads of departments, and all the Commissioners have to do, when the scheme of examination has been drawn up, is to set the papers in those branches of knowledge, and to decide which of the candidates who come before them have given the most satisfactory answers. We have heard a good deal to-night on a subject which has often been brought before the House—the supposed unnecessary strictness of the examinations, and the strange out-of-the-way questions which are put. I do not think it is dealing very fairly with the examination-papers to look through perhaps 100 questions—fix upon one which may be considered strange or out-of-the-way, and hold it up as a sample of the whole. Such a mode of proceeding involves this fallacy among others, that it assumes that a candidate is necessarily expected to answer every question. That is not the case. When you are examining men who have not been brought up at the same school, college, or university, but who are brought together from all parts of the country, you must necessarily make as much allowance as the nature of the subject will admit for the diversities of training which will exist among persons brought up in different institutions. The object is, not merely to ascertain whether each man possesses the requisite *minimum* of knowledge, but, if he possesses more than the usual amount of knowledge on a particular subject, to give him a chance of displaying it. So far from candidates being required to answer all the questions put to them, the fact is that an enormous majority—speaking offhand, I think as many as four-fifths of the whole of those who have failed — have failed not in any abstruse branch of knowledge, but in the simplest and most elementary matters, namely, arithmetic and spelling. If it is a fact, then, that of these 500, say, who have failed, 400 failed because they were unable to satisfy the examiners of their capacity to spell correctly and do simple arithmetic, I ask, was the rejection of those persons an advantage or a disadvantage to the Civil Service? That is a question, I think, to which no Member of this House who looks at the subject dispassionately can hesitate as to the answer which he should give. I hope the House will not consent to interfere with the system by sanctioning the Motion as it now stands. Whatever may be the opinion of hon. Members as to the narrow question now before us, I hope they will not accept this Motion, because a Committee of the House, of which I am a member, is now sitting upon the whole question of the Civil Service examinations. We have concluded taking our evidence, and the Report will before long be considered and laid before the House. We have taken a good deal of evidence as to the way in which the examinations are conducted. We have examined the Commissioners, the persons who have conducted the examinations, and many of the permanent heads of departments, and the result will be to throw some light on the subject of which the House is not now in possession. The House, therefore, I think, will do better to wait for the evidence before discussing the matter further. It is one of the disadvantages of the case that I and those who are associated with me are bound by the rules of order not to refer to the evidence which has been laid before us, and which has not yet been produced to the House. Only this I must say, that whereas I formerly believed, I now know, that whatever incidental inconveniences and disadvantages may have attended the working of the new system, those inconveniences and those disadvantages are light as compared with the total absence of check on the admission of unqualified persons under the system which existed before it was established. That is my firm conviction, and I believe it to be the conviction

of all those who know the facts. I cannot of course refer to proofs which are not before the House, and that is, in my mind, one of the strongest reasons why we should not give our consent to the Motion which we are now asked to adopt.

MR. BOWYER said, that while concurring in the objection which had been made on the part of the Government to the Motion; he thought the subjects for examination and the questions put were in many instances very injudicious. The true test of the utility of a system must be its adaptation to the end proposed, which in the present case was to obtain the most efficient public servants, and he did not think the system would stand that test. On referring to the subjects of examination in different departments he found that candidates for the post of unpaid *Attaché*, though examined in writing from dictation, making *précis*, in geography, modern history, French, and translation from some other foreign language, were not examined in international law, which was obviously the first thing to which the attention of an *Attaché* should be directed. A writer in Ceylon, on the contrary, was examined in the elements of constitutional and international law; what use the latter could be to him he was at a loss to know, and he certainly did not believe there was much constitutional law in Ceylon. Sub-inspectors of factories in this country were required to undergo an examination in geography, English history, in Latin or some other language, and likewise in the elements of political economy. The business of an inspector of factories was to examine into the state of the people, and to see whether certain Acts of Parliament had been complied with. For this purpose he should be a shrewd, active man, but it was utterly impossible that Latin, English history, or much less the elements of political economy could be of any use to him. A man who would make a very good inspector of factories might fail through his ignorance of Latin, while a man much less qualified for the particular business, through his acquaintance with the required language, might succeed in getting the situation. By importing into the examination paper matter foreign to the duties of the office which was to be competed for, they were but enabling men, who were not qualified to discharge the duties of the post, to obtain it by a show of other qualifications. He believed that the requirements on entering our diplomatic service were meagre and unsatisfactory as compared with the preliminary education enforced in other countries.

SIR GEORGE LEWIS: Before the question is put, I am anxious to call attention to a point adverted to by the hon. Member for Norfolk (Mr. Bentinck), and repeated by the hon. and learned Member for Dundalk (Mr. Bowyer), as to which there seems to be a misapprehension. They complain that the examination is not adapted to the special duties of the office for which the applicant is a candidate. Now, in general, there is no attempt made to effect any such special adaptation. When a person is a candidate for a clerkship in a Government Office, all that is attempted is to ascertain if he has had a liberal education; and if he is examined for any department, there is not in general any adaptation of the questions to that department—the object is simply to ascertain that he has had a sufficient education to qualify him for discharging the duties of a public officer in that branch of the service. In military examinations there may be some attempt to examine with reference to more special knowledge—such as the nature of military duties; but that is not generally the case in the Civil Service. The questions which have been read to the House by the hon. Member for Norfolk seem to me, I confess, very proper questions on the subject of geology, assuming always that a candidate is to be examined in geology. I cannot doubt that if any one were to extract from the *Cambridge Calendar*, or from any authorized collection, questions proposed upon any particular branch of science, and were to read them to the House of Commons in the way in which these questions have been read, a laugh might be excited on account of the minuteness that is necessary in questions of the kind. I must take the liberty of remarking that the object of examinations of that sort is to propose questions not so easy that all candidates can answer them, and not so difficult that no candidates can answer them. Unless the medium is hit between too great facility and too great difficulty, there is no discriminating between the merits of one candidate and another. No doubt there is considerable judgment required in attaining that precise degree of difficulty, but there is no reason to doubt that the examiners employed by the Civil Service Commissioners are skilful, and competent to discharge the duties which they undertake. I cannot

conceive any more unfair test than to read questions in such a mixed assembly as the House of Commons, whose attention has not been specially called to the particular subjects on which it is proposed that candidates shall be examined. Before the House proceeds to a Vote, I am desirous of calling attention to the words of this Motion. The Motion is, that for the future the Civil Service Commissioners shall publish, with their annual Report, all the examination papers submitted to candidates. The Civil Service Commissioners act under an Order of Council. That is the only authoritative document under which their powers arise, and by it they are not required to make any annual Report. It rests entirely within their discretion whether or not, or at what period, they shall report to the Crown. In the exercise of their discretion they have annually made a Report, which has been submitted to Her Majesty. Therefore, I apprehend it is not competent for the House of Commons to pass a Resolution that for the future the Civil Service Commissioners shall publish their annual Reports. They publish nothing. The Crown lays the Report they present on the table of the House. Parliament then orders it to be printed, and, if it thinks fit, to be published. But to lay down that the Commissioners shall annually publish Reports is an entire departure from the ordinary rules of the House. Therefore, I trust, not only on the merits which have been spoken to by my right hon. Friend the Chancellor of the Exchequer and by the noble Lord opposite, but on the point of form, the House will refuse to assent to this Motion.

Lord ROBERT CECIL said, he wished to protest against the doctrine that the House ought to wait for the Report of the Committee before taking any action itself. The Committee might be useful as far as taking evidence was concerned; but the moment he saw their names he knew quite well what their Report would be. He was himself a Member of the Committee. He knew that his hon. Friend would vote against him, and that he should vote against his hon. Friend. The decision, therefore, was known already, and therefore it seemed an absolute farce to wait for the Report before coming to a decision. The right hon. Gentleman the Home Secretary said the object of the examination was to discover whether the candidate had had a liberal education. But in what point of view could such knowledge as the difference between 'cycloid' and 'ctenoid' be useful? The right hon. Gentleman said the examiners did not lay much stress on particular questions; that might be true, but how was the House to know it? How did the House know the examiners were not bigoted and pedantic, as learned men often were; and being so, that they did not lay great stress on such questions? They had no right to commit all the patronage of the Crown to a secret and irresponsible body. He did not wish the House to review individual cases, but to keep the system under which the examiners acted constantly under their eyes. But no discussion could be raised on it in the House unless they were allowed to see the questions put; without them the House had no means of judging, or bringing any cases under review. If the examiners drove the examination too high, and required more of candidates than the pay of their future employments justified, the result would be the Government would only get those men of talent who were morally worthless. If the Government pay were high, it might secure men of good qualities, intellectually and morally also. But the Government pay was low, and the result would be it would only get a great number of estimable, but mediocre persons, and a few of those clever men who, on account of some moral defect, could not get on in any other profession. This would be very injurious to the public service. Let the House, therefore, see the questions, know the value the examiners put on each, and keep a system which he believed to be full of peril under review.

Sir STAFFORD NORTHCOTE said, he should not have risen if it had not been for the observations of his noble Friend and Colleague (Lord R. Cecil). His noble Friend said he knew perfectly well what the Report of the Committee would be. He (Sir S. Northcote) was very glad to hear it, because his noble Friend, though a Member of the Committee, had attended it only once. He himself had been present at every meeting, and he had only seen his noble Friend there once. It was only reasonable to ask the House to wait, not for the Report, but for the evidence. The inquiry was full and searching; many questions were put by gentlemen holding different views; and the evidence brought out in full relief many points that had been discussed in ignorance of the facts.

If the noble Lord had attended the Committee, he would have known that the Civil Service Commissioners offered to lay before it the papers in the case on which it was said information had been refused to the House, if the Committee chose to look into it.

LORD ROBERT CECIL said he wished to explain. He should have been extremely glad to have attended on the Committee, but—

MR. SPEAKER reminded the noble Lord that, having spoken once, he could not address the House again.

LORD ROBERT CECIL explained that he merely wished to inform the House why he had not attended the Committee.

MR. SPEAKER: The noble Lord is out of order.

MR. COLLINS said, his noble Friend merely wished to explain that, being a Member of the Berwick Election Committee and of the Committee on the Metropolitan Gas Bill, he found it impossible to attend the Committee on the Civil Service examinations.

MR. BAILLIE COCHRANE, after stating that he had not brought forward all the facts in his possession to save the time of the House, but that he knew of numberless cases of injustice, consented to withdraw his Motion.

An hon. MEMBER objected to its being withdrawn.

Motion made, and Question,

"That for the future the Civil Service Commissioners shall publish, with their Annual Report, all the Examination Papers submitted to candidates; specifying the proportion in which the maximum of marks assigned to each branch of knowledge is divided among the questions contained in each paper."

Put and *negatived.*

FELONY AND MISDEMEANOUR.

LEAVE.

MR. DENMAN said, he rose to ask leave to bring in a Bill for the improvement of the proceedings in trials for felony and misdemeanour. The Bill consisted only of one clause, and its object was, to assimilate the practice of criminal cases with that of civil cases with regard to the speeches of counsel. It might be objected by some persons that the Bill which he wished to introduce would tend to make trials longer; but they had had six years' experience of the alteration of the practice in civil cases, and the result had not been to lengthen the trials. He proposed this Bill because he had not heard that any similar amendment of the law was contemplated at present; but as the change which he proposed would be of importance on any trial that might arise, he trusted that the House would allow the Bill to be introduced.

MR. W. EWART seconded the Motion.

THE ATTORNEY GENERAL said, he thanked his hon. and learned Friend (Mr. Denman) for the attention which he had paid to a subject of so much importance as that with which the Bill proposed to deal. He would observe that the question was one of considerable difficulty, and therefore, without pledging himself to any decided opinion with regard to it, he woud merely express a hope the House would accede to the Motion.

Leave *given.*

"Bill for the amendment of the proceedings on Trials for Felony and Misdemeanour, *ordered* to be brought in by Mr. DENMAN, Mr. WILLIAM EWART, and Mr. COBBETT."

WAKEFIELD ELECTION—RESOLUTION.

CAPTAIN JERVIS said, he rose to move the following Resolution:—

"That whereas by the Act 17 & 18 *Vict.*, c. 102, s. 14, it is expressly enacted that no person should be liable to be prosecuted for any offence committed against the said Act unless such prosecution shall commence within one year from the date of the said offence, this House is of opinion, with reference to certain prosecutions commenced at common law against divers persons at Wakefield, for offences committed at the late general election against that Act, but which prosecutions have not been commenced within the time prescribed by that Act, that such prosecutions should be abandoned."

The hon. and gallant Member was proceeding to make a statement, when—

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a quarter before Eight o'clock.

HOUSE OF COMMONS,

Wednesday, June 6, 1860.

MINUTES.]—NEW WRIT ISSUED.—For Belfast, in the room of Richard Davison, esquire, Chiltern Hundreds.

PUBLIC BILLS.—1° Felony and Misdemeanour; Highways, Roads, &c.

2° Tramways (Scotland); Police and Towns Improvement (Scotland) Act Amendment.

ECCLESIASTICAL COMMISSION, &c., BILL.

SECOND READING.

Order for Second Reading read.

Sir GEORGE LEWIS moved that this Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. SELWYN said, that he could not but express his surprise that the House should be asked to give a second reading to a Bill of such importance, without one word in explanation being tendered by the right hon. Baronet, the Home Secretary, who had introduced the measure. The course which had been taken by the right hon. Gentleman cast upon him the duty of explaining the provisions of the Bill as well as of stating the objections to it. The Bill was called "A Bill to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capitular Estates in England;" and any hon. Member looking merely at that title could have very little idea of what the principle of the Bill was, what was its intention, or what its effect would be; but any one taking the trouble to examine the Bill, and having a sufficient practical knowledge of the subject, would discover that its real object was to vest in the Ecclesiastical Commissioners all the real estates both of the Bishops and the cathedral Chapters and to convert them into mere stipendiaries of the Commission. His objections to the Bill might be summed up in three words —centralization, compensation, and confiscation. By the second clause of the Bill the estates of the Bishops, and by the sixth clause the lands of all the cathedral churches, were absolutely vested in the Ecclesiastical Commissioners. It was material to explain to the House the circumstances under which the Bill was brought before them. A meeting of deputies from the cathedral churches of the kingdom was held in December, 1858, in the Jerusalem Chapter Room. Resolutions were drawn up by the deputies embodying their opinion of the changes necessary to the management of their estates and the application of any surplus. These resolutions were forwarded to the Home Secretary for the time being. Matters remained in that state until June 1859, when a deputation from the same body, consisting of the Dean of St. Paul's, Lord John Thynne, and a Canon of Ely, waited upon the right hon. Member for Wiltshire (Mr. S. Estcourt), who was then Home Secretary. The deputation laid their recommendations before the right hon. Gentleman, and he suggested a course which would have prevented any hostile discussion. He said he would lay the proposals of the deputation before the Ecclesiastical Commissioners and see what observations they had to make; and when the whole case was before him, having regard also to the interests of lessees and the local claims on the revenues of the Chapters, he would see whether a Bill could not be introduced that should do justice to all parties. Parliament, however, was dissolved, and the first vote of the new House of Commons displaced the Government of the Earl of Derby. The deputation of the cathedral churches assumed that the new Secretary of State (Sir G. C. Lewis) would be inclined to deal with the matter in the same spirit as his predecessor, and in an interview in February in the present year they submitted their proposals to the right hon. Gentleman. The answer they received was that the matter would be taken into consideration and that the deputation should hear from him. They had, however, heard nothing from the right hon. Gentleman, and he had now introduced a Bill in diametrical opposition to their propositions, amounting, in fact, to a confiscation of their estates. It might be supposed that the proposals of the deputation were of so selfish a character that they deserved the reception they had met with, but of this the House should judge. Their first proposal, which they desired might be taken as the basis of future legislation, was that in no case and under no circumstances should the income of any dean or canon be capable of any increase. They proposed secondly that—as Parliament had thought fit to suspend some of the canonries in each cathedral and to give the Ecclesiastical Commissioners the right to receive an aliquot part of the income of the estates—a partition should take place, and that the Commissioners should take such portion of the estates as represented the proportion of the income to which the Commissioners were now entitled under the existing law. They proposed, in the third place, that in any arrangement provision should be made for spiritual destitution, both in the neighbourhood of the cathedral churches and of the estates from which their income was derived. The House would agree with him that these proposals

contained nothing unreasonable, and were at least deserving of candid consideration. In the present state of the case the right hon. Gentleman ought to do one of two things—either to bring the question back again to the position in which it stood when the right hon. Member for Wiltshire was in office, or withdraw the Bill. If he would do neither he (Mr. Selwyn) must explain the objections he entertained to the Bill. These objections were, as he had stated, three, and were based on the grounds of centralization, compensation, and confiscation. With regard to centralization, vast estates would be vested in the Board of Commissioners in London. Now, the leading Members on both sides of the House had frequently vied with each other in denouncing the principle of centralization. The centralization usually objected to was that of powers such as those relating to highways and sewers, the objections to which were not nearly so forcible as those which applied to the centralization of landed estates situate in different parts of the kingdom. The destruction of local sympathies and interests arising out of the tie of landlord and tenant was involved in such a Bill. A Committee of the other House of Parliament, comprising Lord St. Leonards, Lord Brougham, the Duke of Buccleugh, Lord Lonsdale, and Lord Overstone, had before them a few years ago a proposal to create a general trustee company to manage estates. That Committee thought it would be so detrimental to the public interests to allow large landed estates to become vested in one central body that they rejected the measure. The long association which had existed between the episcopal and capitular bodies, as landlords on the one hand and their tenants on the other, was to be broken by this Bill and the property was to be transferred to a central body in London. As a proof of the extent to which this disruption of local ties and local sympathies had already gone, he might refer to the Appendix to the last Report of the Ecclesiastical Commissioners, for the year ending November 1, 1859, p. 114, in which it was stated that the estates already vested in the Commissioners "are very numerous and situated in nearly every county, which adds materially to the difficulty and expense of management." It was there also stated that the annual receipts of the estates vested in the Commissioners amounted to no less than £173,556. He asked the House whether it was advisable to extend this centralization, and to add to the duties of the Commissioners the management of all the estates of the Bishops and the cathedral churches? He contended that a Government board of officials was the worst body in which to lodge such a power. He would admit that the Government had been fortunate in the selection of Ecclesiastical Commissioners; they were gentlemen of the highest character, and who had taken a leading and honourable part in the debates of both Houses of Parliament. This eminence, however, carried with it a corresponding disadvantage, because the Commissioners had neither leisure nor opportunity to attend to the details of the management of their vast estates. The result had been, as was proved in evidence before the Committee of this House, that the management of the affairs of the Commission had fallen into the hands of subordinate officials, and that the Commission had simply walked in the path chalked out for them. He disclaimed attributing any blame to any single Member, but it was necessary to investigate the history of the Commission in order to see what the results had been of the centralizing system on which it was conducted. In 1848 a Committee of the House of Commons reported that several of the accounts, those of the architect, surveyor, solicitors, &c., were unsettled, and all the payments were made on account, and it appeared by a subsequent Report that there was brought back to credit on settlement of account with solicitors, architects and surveyors in one year, 1849, £36,192. An Act was therefore passed in 1850 by which the Commissioners were required to render annually to both Houses of the Legislature an abstract of their accounts, and it was further provided that the accounts should be audited by some one appointed by the Treasury. It appeared, however, from the reports of the Commissioners themselves, that from the passing of the Act to the present day no such audit had taken place. For some time the balance-sheet of the Commission was signed by Mr. Morgan, who, although in himself thoroughly competent for the task, was not an independent official appointed by another department, but the actuary of the Board. During the last three years, however, not even a pretence of audit had been made. To save appearances, therefore, a short time ago a Committee of the Treasury was appointed to investigate the accounts and proceedings of the Ecclesiastical Commis-

sioners. One could not, of course, expect to find any serious blame imputed to the Commission by a Committee so full of official sympathy and fellow-feeling; yet they were obliged, while asserting that considerable improvement had taken place in the manner of keeping the accounts, to admit that there had been no substantial audit at all. When examined before a Committee of the House of Lords in 1858, Mr. Chalk, the Secretary of the Commission, in reply to a question of Lord Ravensworth, confessed that he did not understand their accounts, as they were intelligible only to a professional actuary, which he was not. Yet, obscure and complicated as was their system of accounts, it was proposed in the Bill to treat the Commissioners as model accountants, and that the authorities of cathedral churches should be bound to follow their method. The accounts of cathedral churches referred, of course, to the maintenance of the services and fabrics of the churches, the support of educational and charitable institutions, the augmentation of livings, and so on. By the 18th section of the Bill it was provided that the Estates Committee of the Commission should be entitled to require from every Chapter information in detail as to any of their accounts, and to object to any payment out of the income or funds of such Chapter; and if the Chapter did not withdraw the item objected to, the matter in dispute was to be referred to arbitration, for the expenses of which no provision was made. The Commissioners would thus practically be empowered to dictate to each cathedral church in what manner it should dispose of its funds. There could be no question that the management of estates scattered throughout the country by a central body, such as the Commission, was enormously expensive. In the Report of last year the expenses of management were divided into a great number of accounts and items. At page 83 appeared the following charges:—"Official establishment expenses, £10,776; legal expenses, £1,315; surveyor's and actuary's charges, £855; architect's charges, £414." At p. 85 — "Legal expenses, £3,415; surveyors and other charges in respect of valuation, sale, &c., £2,981; architect, £77." At p. 86—"Legal expenses, £468; surveyor, £21; architect £1 1*s*." At p. 87 — "Legal expenses, £6,629; surveyor, £6,205; architect, £88." At p. 91, under the head "Summary of rental accounts from receivers, &c.," the charges of management, agency, &c., were set down as £10,335. The simple expenses of management—excluding, of course, rates, taxes, and tithe out charges — therefore amounted to no less than £43,583 15*s*. 8*d*., In striking contrast to the liberal disbursement for management was the amount of subscriptions and donations to church and school funds—£404 11*s*. 10*d*. p. 91. The House might also contrast the grants made by the Commissioners for the permanent augmentation of benefices which amounted to £52,600, while the annual payment in respect of new districts was £36,400, making together a sum of £89,000, or little more than double the sum that was spent in management. Excessive as was the present cost of conducting the affairs of the Commission, it would be considerably increased by the passing of this Bill, because additional duties would be thrown upon the officials, and their remuneration would, as was frankly admitted, have to be proportionably increased. The Committee of the Treasury, in their Report, p. 120, stated that the establishment which was required for the efficient working of the office was as follows:—Secretary, assistant-secretary, accountant, chief clerk of correspondence, registrar, book-keeper, two first-class clerks, 10 second-class clerks, 10 third-class clerks (senior division), 10 third-class clerks (junior division), and 8 supernumeraries—in all 46 persons. That was the staff which was indefinitely though very largely to be increased if the present measure passed. With respect to the management of property a curious incident was stated in the last Report, which strikingly illustrated the losses which were occasioned by the system of centralization. In 1848 the Commissioners purchased a house and piece of land at Stapleton, near Bristol, for £11,000, and had since expended on the same property £11,897, making a total outlay of £22,897. On the 25th of February last, however, an Order in Council was issued authorizing them to sell the property in question to the Merchant Venturers of Bristol for £12,000; so that, putting out of the question all expenses of management, there was a direct loss on the transaction of £10,897. How many grants to schools, poor livings, or new districts had thus been sacrificed! He did not attribute any blame to the Commissioners, but such incidents were inevitable as long as the management of estates was intrusted to a body which could not possess any local knowledge of

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them. He would now direct the attention of the House to the manner in which the estates already vested in the Commission had been acquired. The 36th Clause of the Bill was as follows :—

"And whereas by schemes prepared by the Ecclesiastical Commissioners, and orders issued by Her Majesty in Council ratifying the same, arrangements have been made for the transfer by certain bishops and other ecclesiastical corporations, aggregate and sole, of the whole or parts of the estates, stocks, moneys, and property belonging to their respective sees, dignities, or offices to the said Ecclesiastical Commissioners, in lieu of or by way of substitution for sums in gross or fixed annual sums paid or to be paid to or provided for such bishops and other corporations respectively, and considerable parts of the estates, stocks, moneys, and property so acquired by the Ecclesiastical Commissioners have been sold, exchanged, and otherwise dealt with by them ; and whereas doubts are entertained whether such arrangements were in all cases authorized by the Acts in pursuance whereof such schemes purport to have been prepared ; all such arrangements as aforesaid shall be and be deemed to have been good, valid, and effectual, and any similar arrangement which may in like manner be hereafter made."

It was superfluous to comment on such a clause as that. Had any private Member introduced a Bill drawn up in such a manner they might rely upon it that the Home Secretary would not have lost the opportunity of delivering his favourite denunciation of "ill-digested measures couched in unintelligible language." In the Acts of Parliament by which the Commission was constituted, and endowed with various powers, provision was made for the disposal of portions of property belonging to Chapters or Bishops, in case they found it convenient or necessary to take such a step for the purposes of those Acts. But, had it ever been intended that either Bishops or Chapters should have power to transfer bodily the whole of their property to the Commissioners, some trace of such an intention would be found in the legislation of the country. He maintained that no Act could be cited to justify such a transaction, and that without the sanction of Parliament it was altogether unlawful for any Corporation so to transfer its whole possessions. This did not rest on his own opinion merely, for on the 25th of July, 1857, a case was heard before the Judicial Committee of the Privy Council, in which the legality of a transfer of all the estates of the See of London to the Ecclesiastical Commissioners was questioned; and the decision, after a long argument between the hon. and learned Member for West Gloucestershire (Mr. Rolt) and Mr. Roundell Palmer, was that such a proceeding was completely *ultra vires* of the Bishop and the Commissioners. This Bill proposed to supersede that decision of the Committee of Privy Council, a tribunal which possessed the respect not merely of the legal profession but of the country generally, and to render all "similar arrangements good, valid, and effectual." He thought he had established his objection to the Bill on the ground of centralization. He had shown how the Commissioners had disobeyed the injunctions of Parliament, how they had neglected audit, how they had kept their accounts, how great their expenses were, how they had acquired and how they had dealt with their property, and how now they attempted to force a recognition and legalisation of their blunders upon Parliament. He then came to his second head—namely, compensation—and he thought he could show as egregious a failure under this head as in the case of centralization. His first objection to the Bill was that it proposed compensation in its worst and most mischievous form. At present the estates were generally managed by the chapter clerks, who possessed thorough local knowledge of all the details of the property under their charge. The Bill proposed that these gentlemen should be superseded, and that they should receive compensation for the loss of their situations. But from what fund was the compensation to be drawn? Was it not from the funds that were devoted to the diminution of spiritual destitution, the spread of religious education, and other charitable purposes? It was said, no doubt, in defence of the measure, that other estates would be given in return for those which were taken. But what earnest had they ever had that such a bargain would be carried out? In what case had restitution ever yet been made? He was justly alarmed :

"Quia me vestigia terrent,
Omnia te adversum spectantia, nulla retrorsum."

The management of the estates was to be transferred from the chapter clerks to the officials in Whitehall Place, and the former were to receive compensation. But if other estates were to be given in return for those which were taken, then the chapter clerks would be reinstated, and would have to make themselves acquainted with those other estates ; and those who had managed them before would, in their turn, require compensation, so that there would be compensation twice over. His third objection

to the measure was on the ground of confiscation. The 6th Clause provided—

"Whenever and so soon as the payments which the Commissioners may be liable to make, under the provisions of any order or orders of Her Majesty in Council, for regulating the income of any member or members of an ecclesiastical corporation aggregate, or for providing such compensation for diminution of income as is hereinafter mentioned, shall, either alone or in addition to the portions or shares of and in the divisible corporate revenues of such corporation to which the Commissioners are or may become entitled, pursuant to the provisions of any Act of Parliament or order in Council, amount or be equal to three-fourth parts of the divisible income of such corporation, all the lands, hereditaments, and emoluments of or belonging to such corporation (except all rights of patronage and presentation, the cathedral or collegiate church and the precincts thereof, and the residences of the deans and canons, minor canons, lay clerks, officers, and servants, and any lands or hereditaments used for the purposes of a college or school under the government of the chapter, or connected with the cathedral or collegiate church), shall become vested absolutely in the Ecclesiastical Commissioners for the purposes and subject to the provisions applicable to other hereditaments vested in the said Commissioners; and in the meantime, and until an endowment has been assigned to such Chapter in manner hereinafter directed, the Commissioners shall pay to such Chapter such annual or other sums of money as may be necessary to defray the expenses connected with the cathedral establishment, as mentioned in the schedule hereto, and to provide the incomes of the deans and canons; and the income to be so provided for the holder of any deanery or canonry shall be that which the holder of such deanery or canonry would have received if this Act had not been passed, or such income shall have been fixed by order in council for members of such Chapter thereafter to be appointed, at the option of the holder of such canonry."

When the Ecclesiastical Commissioners received three-fourths of the income the whole lands were to be vested absolutely in them; but how was any one to ascertain when that time had arrived? The House would see that this was not a matter of trifling importance, for the title to the whole of the lands would depend upon correctly ascertaining the proper time when the property was to be transferred from its present possessors to the Ecclesiastical Commissioners. Questions would arise as to the validity of every such transfer. In the simplest case, as if a tenant held over, the question in whom was the fee-simple vested must depend on the prior question, whether the time had arrived when the estates were vested in the Ecclesiastical Commissioners; and a court of justice, in order to arrive at a decision, must necessarily take all the accounts to ascertain precisely the whole divisible income of the Chapter, and what was the proportion to which the Ecclesiastical Commissioners were entitled. It would be almost impossible to take such accounts, and he mentioned this as an instance to show the carelessness with which the Bill was framed, and the utterly impracticable character of its provisions. He did not flatter himself that with the best explanation which it was in his power to give he could make it intelligible to gentlemen who had not before studied and made themselves acquainted with the details; but a measure of this importance ought to be intelligible to every man, and every hon. Member ought to be able to see what were the main objects proposed, and the manner in which that which was proposed was to be carried into execution. It was almost if not entirely impossible to arrive at a clear understanding upon this part of the subject, and it would be equally difficult for a court of justice to determine the long series of questions to which the Bill, if it passed in its present shape, must give rise. He need scarcely add that every question would be litigated at the expense of funds which were already insufficient for the purposes to which they ought to be devoted. He begged the House to consider for a moment what were the estates which were thus proposed to be transferred, and for that purpose, to make it less complicated, he would take the instance of one cathedral church which was most intimately associated with the University which he had the honour to represent—the cathedral church of Ely. It formerly consisted of a dean and eight canons, but two of the canonries had been suspended; and, after providing for the maintenance of the church, for the performance of Divine service, for education, maintenance of poor people, and other charitable and religious objects, which were pointed out in the charter, the surplus income was divisible into certain proportions, viz., two-tenths to the dean, one-tenth to each of the six canons, and two-tenths to the Ecclesiastical Commissioners in respect to the two suspended canonries. Two of the canonries were attached to professorships in the University of Cambridge, and these being the purposes to which the income was applied, he entreated the House not to be led away by any argument which supposed that there was any contention between the cathedral church on the one hand and parishes and new districts on the other.

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Parliament decided nearly twenty years ago what proportion of the funds of cathedral churches should be allotted to the Ecclesiastical Commissioners, and this Bill did not propose to deal with that matter at all. It was a Bill for the management of the estates, and not to suspend any more canonries. The House would therefore not be led away by any argument based upon assertions of the higher importance of providing for the cure of souls when compared with that of maintaining the present number of canons. He asked the House to consider what were the real purposes for which, by charter, these incomes were provided, and as an illustration he would read an extract from the charter of the cathedral church of Ely, although in the translation it was impossible to preserve the terse and vigorous diction of the original:—

"That Christ's Holy Gospel may be diligently preached, and the sacraments rightly administered by learned and grave men, who, after the example of the primitive Church, may assist the bishop as his presbytery in all weightier matters, that the youth of the realm may be trained up in sound learning, the old and infirm, especially old soldiers, may be suitably provided for, and that thence all other works of every kind of piety and charity may flow forth abundantly to all the neighbouring places to the glory of Almighty God, and the common advantage and happiness of the people."

"Cætera omnis generis pietatis officia in omnia vicina loca longe late que dimarent."

He had heard with some astonishment that it was the intention of those hon. Members who advocated local claims to vote for the second reading of this Bill on the ground that it made provision for local claims; but he would ask the representatives of these "*vicina loca*" whether, if they drew a clause for themselves, they could put more strongly than in the charter he had referred to the right to have local claims attended to out of the revenues of the cathedral churches? If the present members of those bodies were unmindful of that right, the visitor had a control over them; and if the charter was found to be inapplicable to existing circumstances, power was reserved to the Crown in the charter of remodelling it, and all the rules under it, as the exigencies of the time might require. He asked, then, the advocates of local claims whether they were prepared to abandon the chartered right which they now possessed, with a power of appealing to the visitor and to the Crown, for the sake of a Bill which did not recognize their right at all, or at any rate only gave the Commissioners a permissive power to attend to local claims if they pleased. As to the chance of receiving any benefit under the permissive powers given by the Bill to the Commissioners, he would appeal to the evidence of Mr. Chalk before the House of Lords in 1858:—

"But do you not think it would be well that the Commissioners, when owners in possession of a manor or land which they hold merely as trustees for the especial benefit of the Church, might properly be bound to appropriate the proceeds of such property in sufficiently endowing the cure of the locality before they dispose of such means in other directions?—I think that any liability on the Commissioners as landlords should be placed on a footing precisely similar to that attaching to ordinary landlords; of its proper measure and degree I should think the noblemen or gentlemen who may be responsible for the administration of the affairs of such a Commission would form a better judgment, if unfettered, than any rule which it would be possible for the Legislature to enact, seeing indeed to what diverse circumstances such rule would have to be applied. But if you propose to make the requirement of a local appropriation of the proceeds of all property vested in them a primary function of the Board, it seems to me that you are going in direct opposition to the principle which originated, and which supports the institution of the common fund."

One of the noble Lords, observing that Mr. Chalk was reading, and not speaking, the answer, said that probably the answer had been prepared with care, and was the result of much deliberation, and Mr. Chalk said that although not authorized by the Commissioners, the answer expressed their deliberate opinion, and that the Commissioners constantly acted upon that view. The advocates of local claims had then to choose between the right which they at present possessed, and the simple option of having those claims considered by the Ecclesiastical Commissioners, and he thought that upon reflection they would support the Motion for the rejection of the Bill. It might be said that the cathedral functionaries had been unmindful of their duties, and had not made sufficient provision for the increase of livings, from which they derived considerable emoluments in the shape of tithes; but his answer was that the blame should be cast on those in whom the right of patronage was vested. If patrons disposed of important offices for family or political reasons, the responsibility for the consequences must rest upon them, and not on those who had been improperly placed in them. He admitted that there had been times of apathy which all must lament, but the day of sinecures, pluralities, and

non-residence had passed away, and they might just as well destroy the parochial system on account of such former abuses, as visit on the present Members of cathedral churches the faults of their predecessors. Let them be reformed if necessary, but let not their property be confiscated. That was so well expressed in a petition which he had had the honour to present from the cathedral church of Westminster that the House would pardon him for reading a short passage. That important body said:—

"These capitular institutions of the country require to receive progressive expansion and improvement, as is exemplified by the expenditure for the extra evening services in the Abbey and other legitimate demands which are continually increasing, and to fix a limit would not merely be to wrong those bodies, but the sacred interests which are dependent upon them."

There was hardly a Chapter which had not similar claims upon them, and, according to this Bill, they were to be reduced to the position of stipendiaries, to have a fixed sum allotted, and to have nothing left out of which to meet these great and continually increasing demands. With respect to the prejudicial manner in which it would affect the members of cathedral churches themselves, as well as the sacred interests of which they were the guardians, the same petitioners said:—

"By the operation of this measure your petitioners will be reduced to the position of stipendiaries and a precedent be made which will weaken the foundations and peril the safety of all capitular institutions."

He thought the House would be disposed to agree that unless there was something almost amounting to necessity it was not just to reduce these persons from their present position of independence as owners of landed estates to the position of stipendiaries. It was an essential part of the independence of the Church that they should be owners of these estates, and if it had ever been intended that they should be dependant on the Crown there would have been some trace to be found of that intention in the original foundation of these churches. But as the House was aware, the greater portion of the estates which belonged to cathedral churches were derived from Royal foundations and from the gifts of private individuals. The Sovereigns might easily have made the deans and canons mere stipendiaries, but, instead of granting them a varied or fixed stipend, they conferred upon them the estates of which they had ever since been the undoubted and lawful possessors. With respect to private individuals the case was much stronger, because they found the chapters, as corporations, already in possession of other estates, and in many instances, no doubt, not only regard to the corporation and the interests committed to its care, but to the estate itself, had actuated private individuals in making a devise or grant which increased the corporate property. Could it be doubted what any one of those individuals would have said if he had been told that the power of managing the property and the property also would be transferred from that body, of which he perhaps was a corporate member, to a Government Board in London, with no local sympathies and no local knowledge, and not bound to treat the tenants of the estate in the same manner in which for years, he might almost say for centuries, they had been treated? He thought that history taught them that the invasion of the rights of corporations was a sign of bad times present, and of worse evils to follow. It was true that the Emperor of the French had set an example in this respect, but they all knew with what indignation his project for taking the property of all charitable institutions into his hands and paying stipends in return was received, and how the terms "spoliation" and "confiscation" were applied to it. The proposal in this Bill was in substance and principle precisely the same. It might be said that it was very unreasonable to complain of the transfer of estates from those bodies to the Ecclesiastical Commissioners because the Ecclesiastical Commissioners were much better able to manage them, and would be sure to realize much larger incomes. But if it was to be put on that principle he wanted to know where they were to stop. Why should not they take away all the property of colleges and universities, and, as the Emperor of the French proposed, the property of all charities? Why should they not take away the real property of the parochial clergy? Some of the holders had their powers impaired by sickness, and, in the case of a corporation sole, there would be much more reason in the argument that a body in Whitehall Place would manage the property better than when it was applied to the wholesale transfer of the property of Corporations aggregate to the Ecclesiastical Commissioners. And why should they stop within the pale of the Church

itself? Why not extend the benefit of this principle to the Dissenting communities, many of which were become venerable by age and important from the vastness of their possessions? Of course such propositions could not be entertained for a moment, but if the principle were adopted they would be perfectly consistent, and the transfer of property in one case would be quite as justifiable as in the other. The Bill not only applied to the Chapters but to the office of visitor, and he asked upon what possible ground were the powers and authority of the visitor, which had been exercised for a great number of years, to be transferred, and whether it was consistent with the proper dignity and position of the Deans and Chapters that they should have to come like suitors to a Board in Whitehall Place, or some subordinate officials of that Board, instead of to the Bishop of the diocese or to the Crown, for the purpose of determining how the important trusts which were confided to them ought to be administered. With regard to the power of remodelling the charters it might be said that the Crown was not willing to exercise it against the will of the present holders of stalls; but the present holders of stalls were quite willing that the charters should be remodelled and be made applicable to the circumstances of the present time. The petition which had been presented to the Queen from the Cathedral Church of Ely fully dealt with this question:—

"The importance of the purposes to which so large a portion of the capitular revenues have been already diverted, and to which it is proposed to divert still more, is fully recognized, and your petitioners are firmly persuaded that those objects will be accomplished by the capitular bodies themselves, in conjunction with the Bishop and clergy of their respective dioceses. Your Majesty's Petitioners therefore humbly pray, First, That your Majesty may be graciously pleased to take the requisite measures for giving to the Cathedral Church of Ely a new code of statutes."

Thus, they had these very bodies coming to the responsible advisers of the Crown, and saying they were willing that any necessary reform should be introduced, and praying that if their charter were not according to the spirit of the time, and did not allow them to provide for the spiritual destitution which unfortunately existed, it might be remodelled, and that in all things they would submit themselves to the pleasure and discretion of the Crown. The right hon. Baronet the Home Secretary ought to have vouchsafed some answer to this petition, and to have considered whether the statutes could not have been made suitable to the circumstances of the present time. The proposal had been laid before him and his predecessors, but had remained unnoticed, and this Bill was now introduced to transfer the whole property to the Commissioners. He trusted the House would not be led away by any erroneous supposition that there was anything in the views and wishes of the Chapters which was in the least degree antagonistic to the desire to make the fullest possible provision for the spiritual wants of the people. It was with that object that they had proposed that the Crown should exercise the power of re-modelling the statutes, and that the Ecclesiastial Commissioners should receive that fair share of the produce of the estates—one-fifth—to which, under the existing law they were entitled. If they found a rule of law, and a practice founded on it, which had existed for centuries without complaint and without any attempt at alteration, they might feel assured that the rule and practice were consistent with justice, with the Constitution, and with the best interests of the people. They found such a rule in the law of partition, which provided that where two persons or corporations had a right to undivided shares in the same estate, either one should have the power of saying, "This is an inconvenient mode of enjoying the property, and I shall insist on having it severed, so that the portion representing my interest may be allotted to me, and the portion representing your interest may be allotted to you." Instead of all this cumbrous and expensive machinery of transferring and re-transferring estates, he proposed that that simple law should be applied to the present case. It was not a question whether more canonries should be suspended, or whether the Ecclesiastical Commissioners should receive a larger proportion. The amount had been fixed, and he proposed that the Ecclesiastical Commissioners should keep their part and leave to the Chapters theirs, and that no question of account should be left open between them. The laborious process which was involved in the Bill would be avoided by adopting this simple and easy plan. But the proposition in the present measure was, because they were entitled to one-fifth of those estates the remaining four-fifths should be absolutely vested in the Commissioners also. Nothing could be more unjust or more mon-

strous. With respect to the income of members of the Chapter, they were willing to consent to any measure, however stringent, which would prevent the possibility of any future increase, and they proposed that any additional income should be applied, in the first instance, in the manner in which the charter directed, under the supervision of the visitor and under the supreme control of the Crown. If any new administration was considered to be necessary they might avoid the evils of centralization and compensation by the creation of a local or diocesan Board, in whom local sympathies and local knowledge, so necessary to the existence of proper relations between landlord and tenant, would be preserved. It would be very easy to establish such a body if necessary, and it would be productive of less evil than vesting everything in the power of this all-devouring Commission. He wished to say one word with regard to the lessees, because he was told that the advocates of their interests considered that the Bill would be of advantage to them. The property which they were anxious to have protected was nothing more than this—that for a long series of years they had been tenderly and liberally dealt with by the ecclesiastical bodies, and the habit had grown up of not exacting from them by way of rent or fine the full value of the property they possessed. Something like tenant right had been created, which the Chapters had recognized; and it was the continued recognition of that right which the lessees desired to secure. There was no provision for the recognition either of local claims or of tenant right in the Bill. Only a voluntary power was given to the Commissioners, and if they did not exercise it the lessees would be exchanging their old landlords, whose liberality had given rise to the very claim they now urged, for the tender mercies of the Commissioners, without the slightest guarantee that their claim would be recognized. The Report itself declared the importance of maintaining that kindly sympathy between landlord and tenant which was of great consequence to their well-being, particularly in country districts, where the greater proportion of the estates of these cathedral Chapters were situated; and it was amusing to observe the manner in which it was attempted to be supplied. It would be found that they recommended that two or three of the paid Commissioners should from time to time visit all these estates. That proposal raised an agreeable picture of some noble Lord or right hon. Gentleman released from his duties in Whitehall Place or the Houses of Parliament, after going the round of his own estate, beginning to visit all these other estates scattered over every part of the country. No doubt such visits would be very agreeable to those who paid and to those who received them, and might, perhaps, relieve the lands from the pheasants, partridges, and hares with which they were encumbered; but it could scarcely be supposed that they were likely to supply that local sympathy, and if they liked, those local prejudices which the intimate relationship between landlord and tenant developed, and which the Report admitted it was so necessary to maintain. He ought to apologize for the great length of time he had occupied, but the necessity having been cast on him by the manner in which the Bill had been proposed of citing both sides of the case to the House, he had had to tell them both what the measure was, and also why it ought not to be passed into a law. He trusted he had succeeded in showing to the House that it was based on a principle which involved centralization and compensation in their worst form, and the confiscation, not merely of local interests, but of the interests of the members of these corporate bodies, sacrificing their dignity and position, and also the rights of the visitor, and the power of the Crown. Reasonable, fair, and just proposals had been made on the part of these bodies, and he would urge the House to assist him in placing matters on the same footing which they occupied when the right hon. Gentleman the Member for Wiltshire (Mr. Sotheron Estcourt) was Secretary of State for the Home Department, and when it was promised that those proposals should be fairly considered, objections stated, and the interests of all parties duly preserved. For these reasons, if the right hon. Gentleman the Home Secretary did not withdraw the Bill, he should feel compelled to persevere in the Amendment of which he had given notice—that the Bill be read a Second Time that day six months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. Alderman COPELAND said, he should have great pleasure in seconding

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the Amendment. He had looked through the accounts of the Commissioners, and not being able to make anything of them he had put them in the hands of some persons in his employment conversant with accounts, and from their examination it appeared that, in the years from 1853 to 1859 inclusive, the surveyors' and architects' charge relating both to income and capital amounted to £58,883, the legal expenses relating both to capital and income for the same period amounted to £60,313. The expenses of the staff were £52,305, making a grand total of £171,503. In the same space £574,280 had been spent in the augmentation of livings, £36,051 in the augmentation of archdeaconries, and about £200,000 was also expended for the augmentation of Sees and Chapters, making altogether £810,000, so that the working expenses amounted to 20 per cent of the amount actually dealt with by the Commissioners. This was a state of things which ought not to be permitted to continue, and he hoped, therefore, that the Government would withdraw the Bill and institute next Session a searching inquiry into the manner in which the Commission was carried on. A recent return showed a staff of fifty-seven clerks, who, without the paid Commission, cost £8,675 a year, with nine clerks not salaried as per return from the Commissioners dated July 27, 1859. It was impossible that any Government could long support the Commission upon its present extravagant scale.

MR. FREELAND: Sir, however much we may differ as to the merits of the Bill before us, or in the objects which we may have in view, we shall all, I think, agree in the extreme importance of arriving, as speedily as possible, at some definite and practical result with respect to the vexed question which this Bill involves. I earnestly entreat the House to consider well the present position of this question, and the mode in which it has been dealt with. So far back as 1839 a Select Committee of this House urged on Parliament the extreme importance of an early settlement.

"They cannot," say the Committee, "close their Report without recommending that the Legislature will direct its attention as soon as possible to the settlement of this important question; as at present, since the publication of the First Report of the Church Commissioners, and the discussion of the subject in Parliament, such is the state of uncertainty among the Church lessees that they find considerable difficulty in selling or borrowing money on their property, and all improvement is suspended to the injury of both lessors and lessees."

Since the year 1836 we have had, I am afraid to say, how many Ecclesiastical Commission Acts and Ecclesiastical Commission Bills. This Bill itself, since 1857, with various Amendments and modifications, has been brought annually under the notice of the House; and yet, Sir, with regard to those vexed questions which it involves, with regard to those great interests of property which have been disturbed by piecemeal, and incomplete enactments, Parliament has still to legislate. If this Bill pass, as, perhaps, it is best that it should pass, with modifications and Amendments, it will be only a step in a certain direction and not a settlement. My hon. and learned Friend the Member for Cambridge University has argued this question chiefly as one between the Chapters and the Ecclesiastical Commissioners. Well, that shows the expediency of a division of the subject which I took the liberty of suggesting last year to the right hon. Baronet the Secretary of State for the Home Department. There should have been at least two Bills, if not more: an Episcopal and Capitular Estates Bill and a Lessees Clauses Bill. My hon. and learned Friend has ranged his objections to the Bill under three heads:—Centralization, compensation, and confiscation. Through his arguments on the two latter heads, I will not follow him; but, on the subject of centralization, he has appealed especially to Members on this side of the House, and, therefore, I feel called upon to say a few words respecting it. To centralization, I object, on general principles, as much as any one. Yet, if it be necessary, in order to carry out a system of general enfranchisement, and in order that the interests of the lessees may be dealt with on one uniform plan, to have Church property placed in the hands of a central Board—to that sort of intermediate centralization I have no objection. My hon. and learned Friend has said a great deal about the Chapters, and about the wrongs done to them and their property. I shall leave the care of them in his hands. I feel bound to say, however, that in many of their proceedings, in connection with this subject, with which I have become acquainted, they have looked very much to their own interests and very little to those of the lessees. My hon. and learned Friend has spoken at length on the keeping of accounts and the management of property by the Ecclesiastical Commissioners. Surely, these are matters which may

very well be dealt with by a separate Bill. The greater the amount of property which you place in their hands, the more important will it become that Parliament should see that the accounts are duly kept, and that the property is well looked after. I shall now, if the House will permit me, offer a few observations on this question, as it affects the interests of the lessees. I owe my seat in this House to my connection with this question, more than to any other cause, and I am anxious, as far as I can, to contribute to a settlement of it. It is, I think, a great misfortune that the course pursued in Ireland with reference to Church leasehold estates was not from the first pursued here. In Ireland questions similar to those raised by this Bill were raised and dealt with satisfactorily by a single measure. And why? Because Parliament passed a measure for the compulsory enfranchisement of Church leasehold estates in Ireland. I am anxious to allude particularly to the Irish Act, because I think that it might be followed, not to the letter, but in its general spirit, with great advantage as regards this country. The Irish Church Temporalities Act was passed in 1833. That Act distinctly gave to Irish church lessees a statutory right to call for enfranchisement in every instance. It recognized and even put a money value on the lessee's benefit of renewal. Lord Derby, then Mr. Stanley, said, in words which contained the pith and marrow of the question, that as the motives which had influenced the Bishop could not exist in an undying Board there was a necessity to give an entire security to the holders of Bishops' leases by enabling them to purchase them in perpetuity. As long as the Government stop short of that which Lord Derby recommended in the case of Ireland, as long as they stop short of compulsory enfranchisement, their Bills will operate unequally where claims are equal, and they will, therefore, be to that extent unjust. If the House will favour me with its attention for a few moments I will endeavour to make my meaning clear. The claims of the lessees arise from that practice of renewal which has continued for more than two centuries. These claims have been recognized by Acts of Parliament and by the Reports of Committees of the Houses of Lords and Commons. I am anxious to read an extract from the Report of a Committee of the House of Lords, no farther back than 1851, because it states clearly and with the weight of an authority that would not belong to words of mine, the position and claims of Church lessees:

"It cannot be denied," say the Committee, "that the lessees, with comparatively few exceptions, have had *de facto*, for more than two centuries the advantage of renewals on favourable terms, which, although differing in different dioceses, and gradually increased at different times in different dioceses, have been for considerable periods of time uniform in the same diocese, and the long continuance of this practice, rendered almost inevitable by the temporary nature of the lessor's interest already alluded to, has created in the lessees an expectation of renewal sufficiently definite to be treated as between third parties as approaching to a certainty. Leases of this description in consequence of this expectation of renewal have in various parts of the country sold at a considerably higher value, as compared with the fee, than would have been the case had not such expectation existed, and have also become the subject not only of mortgage, but of settlement and devise, with limitations to children and their posterity, indicating a strong impression of the certainty of their continuance, and under the like impression permanent improvements have been made by the lessees on this description of property. . . . In defining the terms of enfranchisement and surrender, it is advisable, and it would be in accordance with the usual course of legislation, that any injury sustained by either party through the alteration of their relative position by legislative interference be considered and compensated."

Such then is the position of the lessees, their claims having all the same origin are all similar or equal. But, according to the present system, one lessee applies to the Ecclesiastical Commissioners for enfranchisement, and he gets it with a beneficial allowance in the nature of a compensation. Another with the same claims applies to them and meets with a refusal. His lease is run out and the property is taken away from him. The same thing happens with respect to Bishops and Chapters. One Bishop enfranchises; another, the Bishop of St. Asaph, I am told, refuses enfranchisements. One Chapter enfranchises—I see from a Return moved for by my hon. and learned Friend the Member for South Shields—that the Chapter of Durham enfranchises to a great extent. Another Chapter, that of Lincoln, I am told, refuses all enfranchisements; and why? because they do not like the manner in which the Ecclesiastical Commissioners would deal with any money which might be paid for such enfranchisements. That, however, is purely a matter between them and the Commissioners, and is not a reason why they should punish the lessees. Unless, therefore, you pass a compulsory Act, lessees whose claims are equal will meet with

unequal treatment and possibly with gross injustice. No doubt, in order to do justice to the property of the Church, it might be necessary to make the claims of the lessees, in certain cases, the subject of special reference and arbitration. That, however, is a difficulty that might easily be dealt with, and is not an answer to the arguments in favour of compulsory enfranchisement. If the House will allow me I will say what I think would be a fair settlement. I would make it compulsory on the Ecclesiastical Commissioners and on Ecclesiastical Corporations sole and aggregate, in contemplation of a change, substituting rack rentals for beneficial leases, subject to fines and reserved rents, to offer to Church lessees the option of three things conjointly:—1. To buy the reversions on arbitration; or 2. To sell their present intererests to the reversioners on arbitration; or 3. To hold ther present leases until they are run out. The reversioners should, in the latter event, be empowered to sell the reversions either now or at a future day to strangers. That I venture to think would be an equitable settlement. However, as some difference of opinion prevails on the question of compulsory enfranchisement, it may be better that it should be raised and dealt with by a separate Bill. Before I state my next objections, I must express a hope that the right hon. Baronet the Secretary of State for the Home Department will make certain concessions in Committee. If I did not believe that he would do so, I should not vote for the second reading of the Bill. My next objection refers not so much to the proposed new system of letting Church leasehold properties after their re-transfer as permanent estates to ecclesiastical corporations sole or aggregate, as to the political consequences that may flow from such new system. According to the old system of leasing Church property, the lessees were virtually the owners, subject to renewal, fines, and reserved rents. They were at all events politically independent. But according to the new system it is proposed that these properties shall be let on lease at rack rent, or from year to year. That may be a good system in a mere proprietary point of view, but in a political point of view what will be the consequences? A portion of this property is situated in or near cathedral towns which are also Parliamentary boroughs. If these properties are be to let by Bishops, and Deans, and Chapters, from year to year—if the land is to be subdivided and let as accommodation land in the immediate neighbourhood of these cathedral towns, they will some of them become, I had almost said, the mere nomination boroughs of the clergy. ["Oh! oh!" *from two or three Members of the Opposition.*] Well, perhaps in a literal sense the expression may be too strong. I only mean it to be applied in a figurative sense, and not offensively or unkindly. I represent a cathedral town, and see clearly how these arrangements might operate. At all events, they would give to the clergy an amount of political influence which they do not now possess. I entreat the House, and hon. Gentlemen opposite as friends of the Church, not to allow Church property to become the object of political jealousy. Then, again, if you take from Ecclesiastical Corporations their present, and give them new permanent estates, why should these be in the neighbourhood of towns where they stop all building operations? My next objection is to that part of the Bill which inflicts on a certain class of leaseholders a statutory determination of their tenure in 1884, except in cases in which the Commissioners may consent to enfranchisements. If it be the object of this Bill, which is chiefly an enabling Bill, to facilitate enfranchisements, it seems a strange thing to say to the Ecclesiastical Commissioners, "If you choose to enfranchise property before 1884, you must do so on certain conditions favourable to the lessees; but if you do not enfranchise it before 1884, after that you shall have the property discharged from those conditions." That objection, however, and the objection arising from the non-admission of leaseholders for lives to benefits corresponding to those conferred in certain cases on leaseholders for years, we shall, I hope, see removed in Committee. The last objection, which I shall notice now, arises from the omission of an arbitration clause as applicable to enfranchisements of building ground and house property. A Select Committee of this House, in 1856, recommended the insertion of the clause in question. Mr. Smith, the able surveyor to the Commissioners, calculates that this clause involves a sum of £800,000, that being the amount which represents the difference between his mode of valuing the reversions of Church house property and that contended for by the lessees. No wonder he does not like arbitration! It is, however, a monstrous thing that the opinion of one surveyor to the Ecclesiastical Commissioners

should induce the Commissioners and Government in this Bill to set aside the recommendation of one of the ablest Committees that this House, I believe, has ever nominated. That Committee produced three blue-books, or, at all events, three Reports. It comprised the noble Lord the Member for the City of London, the right hon. Baronet the Member for Morpeth, the right hon. Gentleman the Member for Cambridge University, the right hon. Baronet the Member for Droitwich, the right hon. Baronet the Member for Carlisle, my right hon. Friend the Member for Durham, and my hon. and learned Friend the Member for South Shields. Not only did they recommend the adoption of this clause, but it was inserted in 1857 in the Bill which bore on the back of it the name of the noble Lord the Member for Tiverton. I shall certainly move its re-insertion in Committee, and I hope that in so doing I shall have the assistance of my right hon. Friend the Member for Durham, whom I see opposite. I have alluded to the noble Lord at the head of the Government. I am sorry that he is not in his place, but I hope that through one channel or another my words may reach him. I am anxious to make an earnest appeal to him. It is, that he will bestow a fraction of his time—which no man is better able when he pleases to make conducive to important practical ends—on a consideration of the question of compulsory Church leasehold enfranchisement. Sure I am that by a measure such as that which I have ventured to point out he would relieve lessees from the uncertainties of a capricious system; that he would give to the cause of agricultural development, and to those building operations which feed the sons of toil, an impetus of which he little dreams. In those wretched dwellings of the labouring poor, which are an eyesore and a disgrace to many of our cathedral towns, and in which the tenure is a barrier to all improvement, he would cause the light and blessings of reproductive labour in a wise philanthropy to shine. As regards the mode of dealing with the Church and its lessees I shall conclude by quoting the words of a witty and thoughtful divine:—

"To create a general impression of justice, if it be not what common honesty requires from any Ministry, is what common sense points out to them—it is strength and duration—it is the only power which is worth having. In the struggle of parties it gives victory, and is remembered, and goes down to other times."

Mr. Freeland

As to the present Bill it is, perhaps, difficult to say what is best to be done; but believing that the necessary Amendments may be made in Committee, I do not consider it right to oppose its being read a second time.

Sir GEORGE LEWIS: Sir, the hon. and learned Member for the University of Cambridge at the outset of the copious exposition of his objections to this Bill passed some censure on me for not having offered any observations in explanation of the Bill when I moved the second reading. Hon. Gentlemen will agree, I think, that it is a venial sin in any Member of this House to abstain from addressing any detailed observations to it, but in this case I might defend myself by saying that, inasmuch as I saw the hon. and learned Gentleman had given notice of an Amendment, I thought it very probable that I might be called on to say something in reply to his Amendment, and I was unwilling, therefore, to take up the time of the House by speaking twice. That is not the only reason why I did not trouble the House at the beginning of the debate. This Bill originated in a Committee of this House, of which the noble Lord the Member for the City of London (Lord John Russell) was the Chairman—a Committee which was appointed in consequence of a pressure on the House in a sense quite different from that which seems to animate them at present—namely, a jealousy of the facilities afforded under the existing law with regard to the enlargement of the revenues of Church dignitaries. That Committee investigated the subject very carefully and made certain recommendations, upon which a Bill was framed. It was introduced into this House the following Session; it passed through this House, but at so late a period that it was impossible to obtain the assent of the other House to it. In the following Session a Bill, identical in substance, was introduced into the other House. It was there referred to a Select Committee, which examined into it fully; and it then passed the House of Lords and came down here, but again at too late a period to become law. That is the history of this Bill. It is substantially the same as the two previous Bills, and being aware that it had received the assent of both Houses, and had passed through Select Committees of both Houses, I assumed that its provisions were known to hon. Gentlemen who take an interest in the subject, and that it was unnecessary for me to enter into any de-

tailed explanation of it. It appears to me, moreover, that if the House is prepared to proceed in the way of the policy which has already been adopted, and is in operation in reference to these matters, this is not a Bill for a rambling debate on the second reading; but a Bill to be debated in Committee. Those who were Members of this House some years ago will remember that we were in the habit of hearing long speeches from the right hon. Member for Stroud (Mr. Horsman) as to the abuse of the power of the Bishops in regard to the property of their Sees. He met with a good deal of support on both sides of the House; other Gentlemen took the same views, and the feeling of Parliament was distinctly in favour of the system which the hon. and learned Gentleman calls a system of confiscation and centralization—the system of vesting Church lands in the hands of Commissioners, and of making the Bishops and high dignitaries of the Church stipendiaries on the fund to be secured by the management of that Commission. Such was the policy in which the present system of legislation originated, and such was the policy on which it has been maintained up to the present time. It is very well to call it confiscation, centralization, or any other odious name; but it was the deliberate policy of Parliament at that time that there should be a limit placed to the incomes of the high dignitaries of the Church, that they should not go on increasing with the increased value of Church lands, that power should be given to the Ecclesiastical Commissioners both with respect to Bishops and Deans and Chapters to enter into voluntary agreements with those persons and bodies to receive from them the transfer of their lands. That transfer has been voluntarily made in the case of a number of Sees and of a number of Deans and Chapters, and it is the legitimate consequence of the policy of the existing law. There is no doubt that this Bill proposes to carry that policy still further. It is a policy which has been recognized by existing Acts, though of course it is competent for the House to stop in that course, and say we will not make any further advance in that direction. I have thought it my duty to bring this Bill before the House, though it is not my Bill, be it observed, but the Bill of the Committees of this House and the other House of Parliament, and it is a Bill which has been passed by both Houses. It is a fair subject for consideration, whether you should advance further in that direction; in my own opinion it is desirable to make that advance; and I believe that was the general feeling of the House some years ago. It is possible that that feeling may have undergone a change, and that the House may wish to arrest or even to retrace its course in the policy which it has hitherto pursued. It is a question of general policy; it is not for the Government to decide upon it, it is a question for the decision of Parliament. When the hon. and learned Member talks about confiscation and taking property away from the Chapters to place it in the hands of the Commission, no doubt in a certain sense he correctly represented part of the Bill; but he entirely omitted to call the attention of the House to another part, which provides that the Ecclesiastical Commissioners shall restore those lands to the Deans and Chapters when the proper time arrives. Although, therefore, it may be confiscation in the first instance, yet, nevertheless, it is distinctly provided by the 8th clause that land producing an income equal in value to that which the Chapter are entitled to receive shall be restored to them as soon as it is convenient. Therefore I think it would but have been fair of the hon. and learned Gentleman, when he heaped so many sins on the head of this Bill, to mention this clause.

MR. SELWYN: I did call attention to it, and I said the provision never had been carried out, and I did not think it ever would be.

SIR GEORGE LEWIS: I did not hear that part of the hon. and learned Gentleman's speech, and beg his pardon for misrepresenting him; but I cannot understand how it can be argued against a clause that it will never be carried into operation. It is a mere supposition of the hon. and learned Gentleman, and is distinctly opposed to the system on which the Bill is founded, which never contemplated the permanent retention of the lands by the Commission. If it can be shown that the Commissioners have not fulfilled their trust, that is a fair objection to the Bill; but it is not correct to say that the Bill proposes permanently to confiscate the landed property of the Church. Most of the other objections which have been raised against the Bill are such as may be most conveniently discussed in Committee. The hon. Gentleman referred to the clause which gives compensation to the chapter clerks. Hitherto it has been the practice where voluntary

transfers have been made to give compensation to the chapter clerks, who did not receive salaries, but were paid by fees upon leases, and, of course, they lose their fees when the Ecclesiastical Commission takes possession of the estates. This clause is put in in the interest of the chapter clerks, to make the compensation compulsory, which has always been usual. It is a matter in which the Ecclesiastical Commissioners are not interested at all. With regard to the 36th clause, I understand that has been put in in deference to the scruples of some persons, who have raised doubts as to the validity of the titles acquired under certain arrangements which have been made. The Ecclesiastical Commissioners do not share in those doubts, and were not at all anxious to have it inserted in the Bill, and if it is thought desirable I shall be quite ready to omit it in Committee. As I have said before, this Bill has already received the assent of each House of Parliament, it has passed through Committees of each House, and it is a continuation of former legislation on the subject; but if the House is of opinion that the system should remain where it is, and that this additional legislation should not take place, let it pronounce its opinion accordingly. I am quite prepared to acquiesce in whatever opinion it may pronounce, but I shall certainly move the second reading, believing it to be founded on correct policy, and to be carrying out that policy judiciously and safely. The staple of the speech of the hon. and learned Gentleman was occupied not in objections to the second reading of the Bill, but by an attack on the Ecclesiastical Commission, on the policy on which it is founded, and on its proceedings under its existing constitution. I can only say if the hon. and learned Gentleman's views are to prevail, if it is thought that to make Bishops and Deans and Chapters stipendiaries of a fund derived from Church property is inconsistent with the character of the Established Church, the proper course for the hon. and learned Member to pursue is to bring in a Bill to repeal the Acts under which the Ecclesiastical Commission is constituted, to dissolve the Commission, to restore the estates to the Bishops and the Chapters, and to unweave the web which has been woven so carefully by Parliament for so long a series of years. It is only prejudicing the debate upon this Bill to divert the attention of the House from the real merits of the case, and to make the discussion of the Bill, which is nothing more than a collection of provisions carrying out the spirit of former legislation, the occasion of an attack on the policy of the Ecclesiastical Commission. The hon. and learned Member complained of the manner in which the accounts of the Commissioners are kept, and he thinks they ought to be presented in a form which everybody could understand in a moment. That is a *dictum* which I have often heard delivered in this House, not merely with regard to the Ecclesiastical Commissioners' accounts, but in regard to the accounts of the public revenue generally. We know how many attempts have been made to simplify them, and we know, too, that notwithstanding the efforts of a succession of Chancellors of the Exchequer it has been found extremely difficult to present anything so complicated as the accounts of the public revenue in a form which "any one could understand in a moment" to use the hon. Gentleman's words. With respect to the accounts of the Ecclesiastical Commission my information leads me to say that they are at present in a very perfect state, and that they are kept in such a form that any person conversant with accounts, and capable of going through a long series of accounts referring to a vast quantity of property and complicated operations connected with that property, would be able to follow without difficulty any operation which he desired to trace, and would be able to check all the accounts relating to it. It is nevertheless true, that it does require some special knowledge in order to go through complicated accounts of this sort; but I maintain—and I believe it will be found, on investigation—that the accounts of the Ecclesiastical Commissioners are kept in a most satisfactory manner, and that, if it were desired to submit them to any competent accountant, or to any person capable of investigating such statements of figures, they would be found to convey all the information which accounts ought to supply. As for presenting them in a popular form, in such a form as would enable any hon. Member to understand them by a few moments' casual attention, that I believe will be found an insoluble problem. I have now stated the grounds on which I think the House ought to read this Bill a second time and to allow the clauses to be considered in Committee. The House will collect from my statement that I am perfectly ready to listen to any objections that may be made or to any proposals which may be brought forward for

the improvement of this Bill. I am quite ready to give my best assistance for the improvement of the present system under which the Ecclesiastical Commission is managed; but if the House now takes a different view, if they think that the Commission is founded on an erroneous principle, if they wish to follow what I must call a retrograde course, and to facilitate the restoration of the former system under which all lands were in the personal management of Bishops and Deans and Chapters, with unlimited incomes, then let them refuse to consider this Bill. Let them begin by throwing out this Bill, and we cannot expect then that matters will stop there — we cannot expect that a merely stationary policy will be adopted; we must look for the introduction of a retrograde measure which will repeal the essential parts of that system which a few years ago both Houses of Parliament were all but unanimous in considering a great improvement on previous legislation.

MR. MOWBRAY said, he thought the right hon. Gentleman had made a very inadequate defence of his silence on moving the second reading of the Bill. He need not have been disquieted by the expectation of having to reply to the Amendment, and therefore being obliged to speak twice, for the Ecclesiastical Commission had another representative in the House in the person of the hon. Member for West Kent (Mr. Deedes), who would have explained the grounds on which the Commissioners supported this Bill. He therefore thought the Government were bound, in the first instance, to state to the House the grounds on which they brought forward this measure. Although he had his attention for some years directed to the consideration of the question, and although he was one of the Committee which sat in 1856, yet he confessed that the shape in which the present Bill came before them was so complicated, that he found it difficult to determine what course of action he ought to pursue in regard to it. He should certainly feel it to be his duty to endeavour to have considerable Amendments made in Committee, but he did not think he could take upon himself the responsibility of saying "no" to the second reading, and thereby stopping all further legislation for the present Session on this subject, after so many Committees, and so many attempts at dealing with matters on which legislation was urgently required. As to the accounts of the Ecclesiastical Commissioners, it was true the right hon. Gentleman talked about the impossibility of the accounts being presented in such a form that hon. Members would understand them with a few moments' casual attention; but that was not what was asked for; all that was wanted was that they should be intelligible. The hon. Member for Stoke-upon-Trent (Mr. Copeland), was not unused to accounts, and yet he could make nothing of them, and the hon. and learned Member for the University of Cambridge, with all his acuteness, could not understand them. Nay, even Mr. Chalk, the Secretary to the Commission, in his evidence before the Select Committee, confessed that he could not understand them himself. The hon. and learned Member for the University of Cambridge had much understated his case against the Commissioners, for in his calculations he had omitted a large sum which had been spent by them in farm buildings, improvements, and drainage. At first sight it might seem as though this expenditure was for the good of the estates, but the question was one which bore very forcibly on the system of management pursued by the Commissioners. Evidence had been brought under the notice of the Committee of 1856 to show that the expenditure by the Commissioners was not satisfactory. One witness sent by the Commissioners themselves proved an expenditure on one farm of £1,600, where an expenditure of £638 would have been sufficient to put everything in a proper state of repair. In another case there was an expenditure of £6,000 or £7,000 on farm buildings and improvements. The people in Whitehall Place were responsible for this, and he was not for giving them further power. In seven years their office expenses had increased from £4,000 to £14,000 a year. In 1853 these expenses were £4,175; in 1854 and 1855 about the same; in 1856, £5,745; in 1857, £7,592; in 1858, £8,575; in 1859, £10,766; and he found that in 1860 the Treasury sanctioned a scale of expenditure to the amount of £14,060. While agreeing with his hon. and learned Friend that there were some very objectionable clauses in the Bill, there were others which he could not consent to negative. The right hon. Gentleman the Home Secretary had observed that the Bill was substantially the same as that which came down from the Lords in 1858; but he (Mr. Mowbray) must observe that in some of its clauses it differed from that Bill very

materially. Some of its clauses went to increase the powers of the Whitehall Place gentlemen; and in one of them there was this statement—that "due provision may, if the Commissioners think fit, be made for the spiritual wants" of the localities where their property was situated. Now, one great complaint which was urged against the Ecclesiastical Commissioners was, that they swept large sums of money into the Common Fund and dealt with them without any reference to the quarter from which they were derived. He, for one, had no desire to be left in the matter to the tender mercies of Whitehall Place, and instead of providing that due consideration "may," if the Commissioners thought fit, be given to the wants of the locality whence the tithes proceeded, he should wish the provision to that effect to assume an obligatory character. His hon. and learned Friend had observed that he was unwilling to surrender the rights which he and those who agreed with him now enjoyed; but what rights did they really enjoy, or could they enjoy, while such a system as that which prevailed in Whitehall Place continued? As a further illustration of the expenditure of the Ecclesiastical Commissioners, he would observe that during the eleven years, from 1847 to 1858 they had received a sum of £421,110 from the diocese of Durham. During the same period they expended a sum of £75,000; in addition to which they had made certain compulsory payments to the amount of £21,583, so that the excess of their receipts over the expenditure from the diocese for that period of eleven years was no less than £324,516. At the present moment the episcopal property of the diocese yielded about £20,000 a year, the capitular £35,000—making a total of £55,000 per annum, exclusive of the £324,516 to which he had already referred as the excess of income over expenditure for the eleven years ending in 1858, and the funds so acquired they claimed the right under the existing law to appropriate to the spiritual wants of any portion of the kingdom. It might have been contended that the diocese of Durham was very rich and possessed adequate funds to meet its own necessities. Now, that was a point to which he was anxious for a moment to advert. There was, he found, only one county in England and Wales—Glamorgan—in which the increase of population had of late years been as great as in Durham, and a Committee of the other House of Parliament had reported that no counties in the kingdom were so badly provided with church accommodation as both Durham and Northumberland. The hon. and learned Member the University has also alluded to the liberality of the Commissioners. Now, their rental was, he believed, £218,000, and his hon. and learned Friend admitted it to be £173,000. He found on inquiry that they had contributed to church and school funds the munificent sum of £404, or about a halfpenny in the pound on their rental. What had they done in the formation of new church districts? The population of Newcastle, South Shields, Tynemouth, Sunderland, and Gateshead, amounted altogether to 264,000 souls, and yet they had created only eight new districts there, and but one district existed for every 11,200 of the population, instead of one for every 5,000, which was the rate in the large towns of Lancashire. He thought, then, it was time for Parliament to interfere, and place some check on their caprice. Now, as he found this Bill did so to some extent, he was prepared to give it his support. On the question of lessees there was as much need for legislation as on any other point. There had been Committees of both Houses on this matter—there had been communications from lessees in all parts of the kingdom. He believed that the proposition of the Bill in this respect was just and equitable; it embraced the Resolution of a Committee which was adopted after much discussion and by mutual consent in the Committee of 1856, and on this ground also he would support the Bill. The conclusion to which he came was this—that the Government had mixed up too many questions in the Bill and had got into difficulty against which it had been especially warned. He regretted that dealings with Deans and Chapters, the expensive management of the Ecclesiastical Commissioners, and the questions connected with leases, had all been included in one Bill. It was very probable the whole Bill would be wrecked by the opposition raised to some parts of it. He hoped, therefore, that even now the Home Secretary would withdraw the Bill and recast it, dividing its provisions into three separate measures. The questions were very important, and legislation on them was imperatively demanded; but if the Government wished to have the credit of passing any measure this Session it must recast the present Bill.

LORD HARRY VANE said, he entertained grave doubts whether a Bill so complicated as the present could pass in the present Session. Yet he should be sorry by any vote of his to throw obstacles in its way. The right hon. Gentleman the Home Secretary told them that he was not the absolute parent of this Bill, that it embodied the Resolutions of two Committees; but notwithstanding this he doubted whether he had acted wisely in embracing so many points in one Bill. It was a serious question whether the Ecclesiastical Commissioners had used the power now in their hands so wisely as to justify an extension of it. He could confirm the statements made by the right hon. Member for Durham, that there were great complaints in that diocese of the utter indifference shown by these Commissioners to the claims of those districts whence the greater portion of their revenues was derived. At present only a small portion of the large revenue derived from that county was given to the relief of districts there. It was true that some constraint was put upon the Commissioners by this Bill, but he feared it was so vague and undecided that in practice it would be found of little use. The Bill only gave the Commissioners a permissive power in respect of these claims, and hitherto such permissive powers had been but little regarded. He was grateful, however, for the recognition of the rights of localities made by this Bill as far as it went, and would therefore support the second reading. He also thought that the provisions in the Bill with respect to lessees possessed a certain value, though something more decided still was required. As it stood the Bill would place the lessees in a different position from that they had held for two centuries; and was prejudicial to interests that had been long recognized by the country and the Legislature. Then it was proposed to give compensation to certain officers. He should like to have some distinct statement of what that compensation was to be; he looked with great distrust on the subject of compensations. The case of the proctors and the immense compensations given to them must be in the recollection of the House. Before it assented to that proposal the House ought to know what was the amount of the compensation, or claims of an exaggerated character would be made, and then it would be too late to refuse them. He was the more in favour of being specific in the provisions of the Bill, because he had not such confidence in the Commissioners as to leave much to their discretion. He thought there was much that was censurable in their conduct; the expenses of their staff were out of all proportion to their services, and there was much in their conduct that required explanation. On the whole, as some legislation was necessary, he would support the second reading though he was far from giving his support to all its clauses. If time had permitted, he would have recommended that the Bill should be divided into distinct portions.

LORD JOHN MANNERS said, the great peculiarity of the debate had been that the objections to the Bill on principle had been urged with singular clearness, while all who supported the second reading did so with the hope that the measure would be cut to pieces in Committee. That was not a satisfactory mode of dealing with any Bill, but especially so with a measure that involved some of the deepest problems with respect to Church property. The noble Lord (Lord Harry Vane) rather undervalued the measure. He himself should be prepared to vote against it, even on the grounds urged in its support; but still more on the general principles it involved. The main principle of the Bill was, that the powers of the Ecclesiastical Commissioners were not sufficient and ought to be greatly increased; and not only that, but that the Commission itself should be rendered perpetual and immortal, and ultimately have the whole management of the Church property of the country, which would be vested in the all but irresponsible Commission sitting in London. This was the principle of the Bill, and this would be its ultimate result. He thought that a Government Bill, only read for a second time on a Wednesday in the beginning of June, was not likely to get into Committee time enough for much Amendment. The right hon. Gentleman (Sir George Lewis) told them he washed his hands of all connection with the parentage of the Bill; and he believed the right hon. Gentleman knew very little of the ultimate objects of those who were its framers. But he said that some fifteen years ago great attacks were made on certain Bishops of the Church by Lord Llanover and the right hon. Member for Stroud (Mr. Horsman); that this Bill carried out the views of those Gentlemen, and that it would be a retrograde step if the House did not agree to the Bill.

Why, if there was wanting any proof that there was little or nothing in the denunciations of these Gentlemen, it would be found in the fact that the right hon. Member for Stroud had not, if he Lord John Manners could believe the evidence of his own eyes, been in the House during the debate. He denied, however, that the House was at all bound by the sentiments expressed by these Gentlemen fifteen years ago. Then the right hon. Gentleman said the Bill carried out the recommendations of the Committee of 1856. But was that so? He utterly denied that it was so; take, for instance, the 5th Clause: on July 8, 1856, it was proposed in the Select Committee, "that, upon the avoidance of any See, the sufficiency of the estates of such See shall be subject to revision;" and that Resolution was rejected by nine to four: yet the 5th Clause gives effect to that rejected proposal. Then the right hon. Gentleman took exception to the language of the hon. and learned Member for the University of Cambridge, who said this was a measure of confiscation. He (Lord John Manners) contended that it was nothing else. The 5th Clause enacted that on the avoidance of any See the property of that See should be revised by the Commission. That was perpetuating an expensive Commission just for the pleasure of ascertaining whether the Bishop should receive £5,000 or £5,100. His belief was that the object of the framers of the Bill was to render the personal holding of the Church property by Bishops and Chapters so odious that they would be forced to throw it into the hands of the Commission. Now, who were the parties into whose hands this enormous property was to be entrusted? How had they managed the property already entrusted to them? The right hon. Gentleman was too wise to commit himself to the defence of the way in which the Commissioners had kept their accounts. He only said that whatever they might have been in times past, he was informed they were now in a satisfactory condition. Who had given him the information? And if the information were true, if the accounts were satisfactory now, he asked were they audited? and if they were, who audited them? He believed they had not been audited, and that they never would be audited, and he asked the House if they would entrust further power and a larger amount of property into the hands of a body who had allowed their accounts to fall into such a discreditable condition? He had never heard a proposal of so extraordinary a character so weakly defended. The right hon. Gentleman, the reputed father of the Bill, had disowned its parentage, and upon the grounds stated he felt himself bound to give his most cordial support to the Amendment, and as the right hon. Gentleman said he would not press the measure against the wish of the House, he might bring in a Continuance Bill. [Sir GEORGE LEWIS: There is no need of a Continuance Bill.] He was very glad to hear that. He hoped, therefore, the Bill would be withdrawn, and that the right hon. Gentleman would take time to make himself acquainted with the wants of the diocese of Durham, as well as the other dioceses, and then next Session introduce a Bill that would meet the views of all parties.

MR. INGHAM said, he should be sorry if the House assented to the Amendment, as it would have the effect of defeating the only practicable mode of providing for the spiritual destitution of many populous places, while, at the same time, it offered abundant security for the endowments and dignity of ecclesiastical corporations and the stability of the Established Church. He admitted that many heavy charges had been brought against the Bill and against the Commissioners, but he thought these were altogether misplaced. The Commissioners were carrying out a system of confiscation with respect to the property of the Bishops. But where was the confiscation in relieving them of the trouble and unpopularity connected with the management of their estates, while, at the same time, the rents of these estates were reserved as the security of their revenues. When a landed gentleman improved the condition of his tenants, it was known that he did so out of his own income, while any improvement of the same kind by a Bishop was known to come from the Ecclesiastical Commissioners; so that they gained no popularity by their concessions, while any pressure on their tenants brought them into an invidious collision with the persons amongst whom they lived. Again, many estates had been voluntarily resigned into the hands of the Commissioners. Four Bishops and four Chapters had done that of their own accord which the noble Lord described to be confiscation. That was the fourth Bill since 1851 which had dealt with the subject, and he thought the time had now arrived for legislation, in order

that further agitation might be rendered unnecessary. As he had said, he believed the greater portion of the charges against it were unfounded, and for the rest he hoped the House would agree to meet them by Amendments in Committee.

MR. C. W. HOWARD said, he resided in a diocese where, out of 259 livings, 128 were less than £100 a year, and he could assure the right hon. Gentleman the Home Secretary that not only was there a feeling of opposition on the part of Deans and Chapters, so ably represented by the hon. and learned Member for the University of Cambridge, but throughout the country, particularly in the north of England, to the conduct of these Commissioners; and he, therefore, hoped the House would not consent to give them further powers. If, however, the Bill were committed, he should propose a clause for the augmentation of small livings.

MR. NEWDEGATE said, he felt precluded, by the whole tone of the debate, from voting for the second reading of the Bill. Not a single Member of the House thoroughly approved of the measure, but as it was deemed necessary that something should be done, they seemed prepared to say—"Do something; no matter what it is you do." He protested against the adoption of such a principle, and he wished to express an opinion that the Bishops and Deans and Chapters would be greatly impeded in the performance of their duties if they were converted into stipendiaries of the Ecclesiastical Commissioners. The greatest doubts had been raised as to their administration; the House could not examine their accounts, and there was no solution of the difficulty, but the withdrawal or rejection of this Bill; because they did not believe that in its present form it could effect the object desired, and because investigation was necessary which the passing of such a measure would tend to bar.

MR. LIDDELL said, he was sorry he could not give his support to the Amendment. Session after Session a Bill analagous to the Bill before them had been brought in, but no legislation had been accomplished. Two great interests were at stake in the matter—that of the lessees and another class, which cultivated and produced the wealth of the Church—both of which were left in a state of doubt and uncertainty. Considering the vast amount of property which was already under the control and management of the Ecclesiastical Commissioners, it was a question well deserving of the consideration of the House whether it would be expedient to increase the powers which were already possessed by the Commissioners. At the least Parliament should call on them to recognize and act on the obligations which attach to every landlord in the country, and which more especially attached to them as the trustees of Church Estates. A Committee of Inquiry on the whole subject of Church property sat in 1836, and that Committee recommended that local claims should be considered in the distribution of Church Revenues, but that had not yet been carried out. If the claims of the district were to be postponed until a large sum had been accumulated to endow the bishoprics, such a postponement was not justifiable. He believed, however, the difficulty arose not so much from the state of the law as from a rule which the Commission had made for themselves. What was that rule? As laid down by the Secretary himself it was this, that in making grants from the surplus fund in any given year, a sum not exceeding £1,000 might be given to meet an equal amount contributed in any particular locality, which just meant that the richest places should receive the grants, and the poorest be entirely overlooked. This was the principle on which the Educational Board acted; but it was altogether erroneous in reference to religious destitution. The rule worked disastrously in another way. Generally when a benefaction was sought, the first person applied to was the largest landed proprietor in the parish, and the proprietors were generally the donors in such cases, but in cases where the Commissioners were the landed proprietors they said that they were precluded from making any benefaction, and there being no benefaction from others, no grant from the tithes was made for that parish. To show how this worked, he might state that in the diocese in which he lived the Commissioners were the largest proprietors of land in every parish but two, and yet in case after case the Commissioners had not only not exercised their discretion, but had not made even the proper inquiries returning simply the answer, "no funds." He admitted that the Church Estates were well managed, that the drainage was good, and the farm buildings sufficient, but that was not the main function of the Commissioners, and they ought not to evade the responsibility which attached to all other owners of land. For these reasons he

trusted that the House would legislate on this subject during the present Session.

Mr. DEEDES said, that as a member of the Ecclesiastical Commission, and responsible, to a certain extent, for the management of the property committed to their care, he had thought it incumbent on him to listen attentively to the statements which might be made by the various hon. Members who might speak during the debate before he rose to address the House. He did not intend to go into a minute investigation of all the points which had been raised; nor did he think it incumbent on him to dictate to the House the course they ought to adopt in legislating on matters which might afterwards be placed in his hands to administer. He should, therefore, feel it his duty to confine his observations, in a great degree, to a notice of the comments which had been passed in the course of that discussion upon the conduct of the Commissioners. He did not complain of those comments; because he is well aware that as public men, intrusted with a very heavy responsibility, they must expect not to be able to give satisfaction alike to all. In many instances the interests were so different and complicated, it was almost impossible to reconcile them. It was most desirable that the House should point out the course they wished the Commissioners to follow in carrying out the law they were appointed to administer. His anxious desire had been to carry out the law as he believed it to exist, and as Parliament intended they should carry it out, guided at the same time by the indications of opinion given by Committees of both Houses of Parliament that sat on the subject. It had been said this Bill was not based on the recommendations of the different Committees. That there might be some slight variations, he did not deny; but it would be found those Committees did recommend that there should be a more decided declaration of opinion as to the law which the Commissioners had to carry out; and that declaration the measure before the House would supply. He should be sorry to continue a member of the Commission for one hour, if he did not carry out, to the best of his ability, those powers which the law gave; and in considering the various points, nothing was more painful than uncertainty as to the powers they possessed. It was in consequence of this, that the Commissioners were, to a certain extent, consenting parties to the introduction of this Bill, which would render their powers more definite, and their action less liable to be misconstrued. It was said by his hon. Friend (Mr. Liddell) that local claims had not been listened to or granted; but the rule laid down was not an arbitrary one. It was intended to effect the greatest amount of good with the funds the Commissioners had at their disposal. If they gave Durham all it wanted, other places must suffer; for their funds were limited. The principle was, as far as possible, to make a grant to meet the benefactions offered in any district which were all fairly registered and impartially considered, a Committee being appointed to look into the cases, and where it was possible grants were made. If they were to give without requiring local benefactions, they would at once stop that flow of public benevolence which was now so extraordinary. This year they had a surplus of £80,000 strictly to augment poor livings all over the country, under the direction of the Act of Parliament, and to meet that, there were offers of benefactions to no less than £247,000; so that they had to select cases, owing to the very limited extent of the funds available as compared with the benefactions offered. If the Legislature thought fit to say that, previous to considering applications in that way, a certain sum should be given to places where there were no means of offering benefactions, he should be very glad; but hitherto the Commissioners had felt themselves bound to act on the principle he had stated. With respect to the alleged confiscation of property, in three instances estates had already been made over to Sees, representing the actual sum of money to which they were entitled by Act of Parliament; and in the case of Durham, the Bishop had requested the Commissioners to assume the management, inasmuch as he did not wish to undertake any concern of that kind. With Chapter property they would deal in the same way. Indeed, it was not to the interest of the Ecclesiastical Commissioners to keep the Chapter property, but to hand it back as soon as possible. He deprecated as much as possible the Commission having to manage a property so large, that it was impossible for them to manage it well. He was rather inclined to think that if the Commission had accepted the proposition of one or two Chapters, they should not have had the opposition of the hon. and learned Gentleman (Mr. Selwyn.) In the course

of the discussion attempts had been made to throw the blame of any want of success which had attended the working of the system on the officials employed under the Commissioners. But he repudiated any such apology for himself and his colleagues. They did not shrink from responsibility. It was said that the subordinate officials managed everything. He recognized readily and freely the great assistance they had received from men in the office, who were exceedingly well acquainted with business; but he repudiated altogether placing on their shoulders the responsibility which ought to belong to the Commissioners in the execution of duties which were of a very complicated and ill-defined character. With regard to the accounts, they were now in a much more satisfactory state than they had been; but he thought them capable of being put in a still better condition. With this view, the attention of the Commissioners, and especially the Treasurers, of whom he was one, had been turned to this matter. An auditor had been appointed, having been named by the Treasury; and there was every reason to believe that his audit would be sufficient, and lead to a more clear and satisfactory state of accounts than hitherto. With regard to the Stapleton estate, a mistake had been committed. It turned out a bad purchase, and was re-sold at the loss mentioned; but he hoped that would not arise again. The greatest possible care was taken in every transaction relating to the sale or purchase of estates. The outlay of £3,000 included the official expenditure, commission of £4 per cent, and also the expenses attendant on the enfranchisement of large portions of the property. He trusted, with the continued confidence of the House, there would be no further cause of complaint; and that the whole of the immense business under the charge of the Commissioners would proceed more satisfactorily.

MR. HENLEY said, he thought the best course he could adopt was to move the adjournment of the Debate. Every one who heard the speech of the hon. and learned Member for the University of Cambridge must have felt that a very grave question had been raised. He himself had come down to the House with very different impressions than he entertained at the present moment, and he was bound to say he waited with great anxiety to hear what his hon. Friend near him (Mr. Deedes) would say; but he could not think he had answered the questions which had been raised in a manner that must be satisfactory to any one without further inquiry. It seemed therefore most advisable that the Debate should be adjourned, to give an opportunity to investigate the matter before coming to any decision which would have the effect of throwing a vast increase of power into the hands of Commissioners, whose accounts certainly did not appear to be satisfactory even to his hon. Friend himself.

Debate *adjourned* till *Wednesday* 20th June.

House adjourned at five minutes before Six o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES.

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1R. *2R.* *3R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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